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1968

ILLINOIS
FIRE PREVENTION
and
SAFETY LAWS
and
FIRE PROTECTION
DISTRICTS LAWS

STATE OF ILLINOIS

SAMUEL H. SHAPIRO

Governor

RICHARD B. OGILVIE

1968



HERBERT D. BROWN, Director

DEPARTMENT OF PUBLIC SAFETY

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DIVISION OF FIRE PREVENTION

JOSEPH D. PATTON, Acting Fire Marshal

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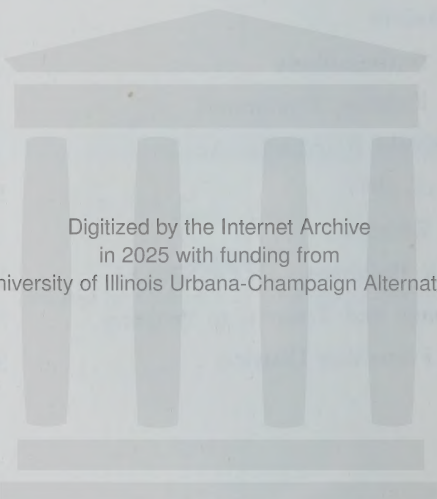
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HERBERT D. BROWN, Director

ILLINOIS
FIRE PREVENTION
AND SAFETY LAWS
and
FIRE PROTECTION DISTRICTS LAW
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ILLINOIS FIRE PREVENTION STATUTE

AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. Approved June 15, 1909; title as amended by Act approved June 24, 1921.

§§ 1-5. Repealed by Act filed July 13, 1939.

**Investigation and record of fires —
Notice to Department of Public Safety.]**

§ 6. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the fire chief of every legally organized fire protection district or the chief of the fire department of every municipality which furnishes fire protection service under contract to any such fire protection district, and the township clerk of every organized township without the limits of any organized city or village or fire protection district, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town, fire protection district or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns, fire protection districts or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause

and origin of the fire, and such other information as may be called for by the blanks provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved July 24, 1943.

Further investigation—Arrest—Prosecution.] § 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case. As amended by act approved July 24, 1943.

Powers of Department of Public Safety—Examination of witnesses — Refusal to testify — Perjury — Private investigations.] § 8. The Department of Public Safety shall have power in any county in the State of Illinois to summon and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this Act a subject of inquiry

and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. The Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of the Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before the Department to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the Department to make complaint against the person or persons so refusing to comply with the summons or order of the Department, before the circuit court in the county in which the investigation is being had, and upon the filing of such complaint, such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this Act shall be fined in a sum not exceeding \$100 and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. The Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this Act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this Act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended April 15, 1965.

Duty of Owner or Occupant as to Fire Hazards—Rules and Regulations—Inspection of Premises—Notice to Remedy Defective Condition.] § 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endanger the safety of said buildings or premises.

The Department of Public Safety shall adopt and promulgate such reasonable rules as may be necessary to protect the public from the dangers specified in the preceding paragraph. Such rules shall require the installation of necessary fire detection, alarm and protection devices in all public or private buildings which are used or available for use for the housing or assembling of more than 50 persons simultaneously.

A copy of any rule, certified by the Director of Public Safety, shall be received in evidence in all courts of this State with the same effect as the original.

All local officers charged with the duty of investigating fires shall enforce such rules, under the direction of the Department of Public Safety, except in those localities which have adopted fire prevention and safety standards comparable to such rules.

The Department of Public Safety, and the officers of cities, villages, towns and fire protection districts by this Act charged with the duty of investigating fire, shall, under the direction of the Department of Public Safety, inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such dangerous condition or fire hazard is found to exist contrary to the rules herein

referred to, or if a dangerous condition or fire hazard is found to exist as specified in the first paragraph of this Section, and the rules herein referred to are not applicable to such dangerous condition or fire hazard, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon the owner, occupant or other interested person shall be in person or by registered or certified mail. As amended by act approved July 15, 1959.

Order for repairs—Appeal.] § 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. As amended by act approved June 30, 1941.

Appeal from order to Circuit Court.] 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within 10 days thereafter appeal to the circuit court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. As amended April 15, 1965.

Procedure for appeal — Supersedeas.] 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the circuit court and summons shall thereupon be issued by the clerk and shall be served upon the Director of the Department of Public Safety. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than 10 days nor more than 30

days after the service of the summons and shall be tried by the circuit court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended April 15, 1965.

Failure to file appeal, waiver. 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. As amended by act approved June 30, 1941.

Penalty for failure to comply with order—Concurrent jurisdiction.] 9e.

Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the circuit court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00, and in the event of a continuance of such wilful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d and 9e shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection, fire limits, fire prevention, or safety standards, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended April 15, 1965.

Penalty for violation by officer.] § 10. Any officer referred to in Section 6 herein

who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941.)

Tax on fire insurance companies—Disposition of fund.] §12. For the purpose of maintaining the Division of Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company, whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire, sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received for the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium re-

ceipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the State. As amended by act approved June 30, 1941.

Penalty for violation of section 12—Revocation of license.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act, shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved June 30, 1941.

§§ 14, 15. Repealed by act filed July 13, 1939.

Compensation for Reporting Fires.] §

16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for each report made in accordance with the provisions of section 6 of this Act, the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report, and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the Department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941.

SCHOOL FIRE DRILLS

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

1. As used in this Act unless the context otherwise requires:

“Department” means the Department of Public Safety. “School” means any kindergarten, grade, junior high or high school, whether public, parochial or private. “Fire drill” means a practice or rehearsal of the evacuation of the occupants of a building according to a plan designed to accomplish such evacuation as quickly as possible and to avoid panic, injury or loss of life.

2. The Department, acting through the State Fire Marshal, may conduct such fire drills, as it considers necessary, in any school in this state at any time such school is in session subject to the approval of the local superintendent of schools. The Department shall promulgate reasonable rules governing the conduct of such fire drills and the number of such drills to be conducted each year which rules when filed

with the Secretary of State become effective under "An Act concerning administrative rules," approved June 14, 1951, as heretofore or hereafter amended.

3. The Department may use deputy fire marshals or local fire chiefs to conduct such fire drills. The State Fire Marshal, any deputy fire marshal or local fire chief with specific authority of the State Fire Marshal may enter any school building while school is in session for the purpose of conducting a fire drill, provided supervisory personnel of the school have approved.

EXPLOSIVES

AN ACT to prohibit the transportation of liquid nitroglycerin on the highways. Approved July 17, 1959.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Liquid nitroglycerin — Transportation — Penalty.] 1. No person, personally or through an agent, shall transport nitroglycerin in a liquid state on any highway; except this Act shall not prohibit the transportation of desensitized liquid nitroglycerin on any highway.

Any person who violates this Act shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

FIRE EXTINGUISHERS

AN ACT to prohibit and punish false representations that fire extinguishing equipment has been serviced. Approved July 10, 1959.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Fire extinguishing equipment—Representation as to condition — Penalty.] 1. It is unlawful for any person to represent that a fire extinguisher or fire extinguish-

ing equipment has been serviced, repaired or examined for the purpose of determining whether or not it is in good working condition when in fact no such service, repairing or examination has been performed. Such representations for the purpose of this Act shall mean any mark, symbol, initial or date recorded on the extinguisher or equipment or on anything attached thereto or on any list, schedule or in any other place where such service, repair or examination is normally recorded.

Any person who violates the provisions of this Act is guilty of a misdemeanor and shall be punished by a fine of not less than \$200 nor more than \$500.

FIRE FIGHTING EQUIPMENT

AN ACT to provide for the standardization of all thread on fire fighting equipment. Approved August 3, 1965.

Standardization of thread

It shall be unlawful, after November 1, 1965, except in municipalities having a population in excess of 500,000 persons, for any fire fighting organization, either publicly or privately owned, to purchase or otherwise procure any fire fighting equipment, including but not limited to hydrants, hose fittings, apparatus fittings and pumpers, unless the thread on all said fire fighting equipment shall be the National Hose Thread as adopted by the National Fire Protection Association and in effect on the effective date of this Act. After November 1, 1965, all fire fighting equipment of every kind shall carry on said equipment sufficient adaptors to convert all necessary connections to National Fire Protection Association standards. As amended by act approved July 7, 1967.

THE FIREWORKS REGULATION ACT OF ILLINOIS

An Act relating to the manufacture, possession, storage, transportation, sale and use of fireworks throughout the State of Illinois. (Filed July 11, 1935.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Title of Act.] Section 1. This Act shall be known and may be cited as "The Fireworks Regulation Act of Illinois."

Definitions.] § 2. The following words and phrases, when used in this Act, shall for the purpose of this Act have the following definition and meaning:

(a) The term fireworks shall mean and include any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, sparklers, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effect; provided, however, that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than twenty-five hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

(b) The term "fireworks plant" shall mean and include all lands, with buildings thereon, used in connection with the manufacture or processing of fireworks, as well as storehouses located thereon for the storage of finished fireworks.

(c) The term "fireworks factory building" shall mean any building or other structure in which the manufacture of fireworks, or in which any processing involving fireworks is carried on.

(d) The term "magazine" shall mean any building or other structure used for the storage of explosive raw materials used in the manufacture of fireworks.

(e) The term "Department" shall mean the Department of Public Safety. As amended by Act approved August 3, 1967.

Storage and sale prohibited in certain stores.] § 3. Fireworks shall not be stored or kept for sale in a store:

(a) Where paints, oils or varnishes are manufactured or kept for use or sale unless such paints, oils or varnishes are in original unbroken containers.

(b) Where rosin, turpentine, gasoline or inflammable substance or substances which may generate vapors are used, stored or offered for sale; or

(c) Where there are not two approved chemical fire extinguishers or six pails of water readily available and equipped for use in extinguishing fires.

Keeping fireworks for sale at wholesale.] § 4. Fireworks to be sold at wholesale shall be kept in a room set aside for the storage of fireworks only. Over each entrance to this room shall be displayed a sign in conspicuous type: "CAUTION—FIREWORKS—NO SMOKING." No person shall be permitted to be in this room while carrying matches, or a lighted cigar, cigarette or pipe.

Explosion in vicinity of hospital.] § 5. No fireworks shall be discharged, ignited or exploded at any point in the State within 600 feet of any hospital, asylum or infirmary.

Sections 6 and 7 repealed by act approved June 16, 1953.

Exposure in windows—Original packages—Counters.] § 8. All retailers are forbidden to expose fireworks in windows where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages; provided, however, that fireworks in open stock may be kept in show cases or in counters out of reach of the public.

Smoking.] § 9. No smoking shall be allowed in a store where fireworks are offered for sale. Over each entrance to such a store a sign in large letters shall be displayed, reading "FIREWORKS FOR SALE—NO SMOKING ALLOWED."

Certain type prohibited in theatres.] § 10. The use of what are technically known as fireworks showers or any mixture containing potassium chlorate, and sulphur in theatres or public halls is hereby prohibited.

Railroad, etc., signals or fuses.] § 11. Nothing in these regulations shall be construed as prohibiting the manufacture, storage or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft, or other instrumentalities of transportation.

Sale to children under 12 years.] § 12. It shall be unlawful for anyone to sell fireworks of any kind at any time to children under the age of twelve (12) years, without the consent of their parents.

Fireworks factory building.] § 13. No factory building used in the manufacture of explosive fireworks shall be situated nearer than five hundred feet to any inhabited dwelling, nor nearer than two hundred feet to any highway or any railroad, nor nearer than one hundred feet to any building used for the storage of explosives or fireworks, nor nearer than fifty feet to any other factory building. This section shall not apply to existing factory buildings in fireworks plants now in operation.

(a) All fireworks plants shall be enclosed on all sides by a fence and all openings to such enclosures shall be fitted with suitable gates, which, when not locked, shall be in charge of a competent watchman who shall have charge of the fireworks plant when it is not in operation. This sub-section shall not apply to existing plants.

(b) No stoves, or exposed flame shall be used in any part of any fireworks plant, except in the boiler room or machine shop, or in buildings where no fireworks or chemicals are stored therein. All parts of the buildings in fireworks plants shall be kept clean, orderly and free from accumulations of dust and rubbish.

(c) Fireworks in the finished state shall not be stored in buildings where fireworks are in process of manufacture.

(d) Each shipping package of fireworks shall bear upon the outside thereof the words "FIREWORKS — HANDLE CAREFULLY—KEEP FIRE AWAY" in letters not less than 7/16 inch in height, and in addition shall show the name of the fireworks manufacturer.

(e) No employee or other person shall enter or attempt to enter any fireworks plant with matches, a lighted cigar, cigarette or pipe or other flame-producing device, nor with liquor or narcotics in his or her possession or control, nor while under the influence of liquor or narcotics, nor partake of intoxicants or narcotics while in the plant.

(f) It shall be the duty of the superintendent, foreman or other person in charge of any fireworks plant to provide safety containers for matches at all main entrances of the plant, where all matches in the possession of all persons shall be deposited before entering the plant enclosure.

(g) All fireworks plants shall be properly posted with "WARNING" and "NO SMOKING" signs.

Certificate of registration required for new fireworks plant.] § 14. It shall be unlawful for any person to begin operation

of a new fireworks plant without a certificate of registration issued by the Department pursuant to the provisions of this Act. As amended by act approved August 2, 1951.

When certificate issued.] § 15. A person is qualified to receive such certificate of registration if such plant for which a certificate is sought, is constructed and maintained in conformance with the provisions of this Act.

Application—Fee—Issuance—Certificate to be posted.] § 16. Every person who desires to obtain a certificate of registration shall apply therefor to the Department in writing on blanks prepared and furnished by said Department. Each application shall state the name and address of the applicant and the address of the plant for which such certificate is sought, together with a detailed description of the plan. Such application shall be verified by the applicant under oath. A registration fee of \$50 shall accompany each such application.

If upon inspection, the Department finds that the provisions of this Act have been complied with, a certificate of registration shall be issued to such applicant. Such certificate of registration shall be posted in a conspicuous place near the entrance to the fireworks plant and shall continue in force until revoked. As amended by act approved August 2, 1951.

Denial of certificate.] § 17. If said Department denies such application, it shall file in its office a statement of the reasons therefor and furnish the applicant with a copy of the same.

Revocation of certificate.] § 18. The Department may revoke any certificate of registration if the holder thereof has violated any of the provisions of this Act.

Reasons for revocation to be filed.] § 19. If a certificate is revoked the Department shall file in its office a statement of the reasons therefor and furnish a copy of same to the holder of such certificate. No fireworks plant shall be operated after rev-

ocation of its certificate of registration until such fireworks plant complies with this Act, and a new certificate is issued.

A record of the certificates of registration issued and revoked shall be kept on file in the office of the Department, and a duplicate sent to the chief of the fire department of each community, in which a fireworks plant is located.

Hearing.] § 20. The Department shall give all applicants for, or holders of certificates of registration sufficient opportunity to be heard before any final decision to revoke or to refuse to issue a certificate of registration under this Act, shall be rendered. As amended by act approved June 7, 1949.

Conduct of hearings.] § 21. The manner of conducting hearings provided for in section 20 of this Act shall conform, as nearly as may be, to the provisions governing hearings set forth in sections 60-c to 60-h, inclusive, of "The Civil Administrative Code of Illinois," approved March 7, 1917, as amended. As amended by act approved June 7, 1949.

Review under Administrative Review Act.] § 21.01. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decisions" is defined as in Section 1 of the "Administrative Review Act." Added June 7, 1949.

Rules and regulations.] § 22. The Department may adopt reasonable rules and regulations relating to the enforcement of the provisions of this Act.

Transportation under Interstate Commerce Commission—Militia—Railroad, etc., Signals.] § 23. Nothing in these regulations shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military or

naval forces of the United States, nor to the duly authorized militia of the state, nor to the use of signals necessary for the safe operation of railroads, steamboats, trucks, or aircraft.

Regulation by cities, villages and towns—Partial invalidity.] § 24. The provisions of this Act shall not be construed or held to abrogate or in any way affect the power of cities, villages, and incorporated towns to regulate, restrain and prohibit the use of fireworks, firecrackers, torpedoes, Roman candles, skyrockets and other pyrotechnic displays within their corporate limits. The sections of this Act and every part of such sections are hereby declared to be independent sections and parts of sections, and the invalidity of any section or part thereof shall not affect any other section or part of a section.

Penalties for violation.] § 25. Whoever fails to comply with or violates any of the provisions of the Act shall be guilty of a misdemeanor, and shall be fined not less than \$25.00 nor more than \$500.00, and whoever, after receiving written notice from the Department, or its authorized representative, directing compliance with specified provisions of the Act fails to comply with the provisions of the Act specified in said notice, shall be guilty of a misdemeanor and shall be fined not less than \$50.00 or more than \$1000.00 or imprisoned for not exceeding one year, or both. As amended by act approved August 2, 1951.

Effective date.] § 26. This Act shall take effect on the first day of August, Nineteen Hundred and Thirty-five.

ACT OF 1941

An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and to regulate the manner of using fireworks, and to provide penalties for the violation of the provisions of the Act. Approved July 1, 1941.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Fireworks defined.] § 1. The term fireworks shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, sparklers, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects: provided, however, that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times. As amended by Act approved August 3, 1967.

Sale, use or explosion of fireworks prohibited — Public displays—Permits.] § 2. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the board of county commissioners in counties not under township organization, and the board of supervisors in counties under township organization, shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such display shall be handled by a competent individual designated by the local authorities herein speci-

fied and shall be of such a character and so located, discharged or fired, as not to be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display and action shall be taken on such application within forty-eight (48) hours after such application is made. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any groups of three (3) or more adult individuals applying therefor. No permit shall be required, under the provisions of this Act, for supervised public displays by State or County fair associations.

Sale at wholesale—Shipping out of state—Signals or illumination — Blank cartridges.] § 3. Nothing in this Act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the state; or the use of fireworks by railroads, public utilities, public and private carriers or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

Nothing in this Act shall be construed or held to abrogate or in any way affect the power of cities, villages and incorporated towns to restrain or prohibit the sale of fireworks within their corporate limits. As amended by Act approved July 16, 1953.

Searches and seizures—Forfeiture—Destruction.] § 4.

Whenever any officer or employee of the Department of Public Safety, Sheriff, Deputy Sheriff or a member of any city council or board of trustees of any village or incorporated town or county board has reason to believe that any violation of this Act has occurred within the jurisdiction

within which such official is authorized to act and that the person so violating the Act has in his possession fireworks or combustibles, such official may file a complaint in writing, verified by affidavit, with any court, judge or magistrate within whose jurisdiction the premises to be searched are situated, stating the facts upon which such belief is founded, the premises to be searched, and the property to be seized, and procure a search warrant and execute the same. Upon the execution of such search warrant, the person executing the same shall make due return thereof to the court, judge or magistrate issuing the same, together with an inventory of the property taken thereunder. The court, judge, or magistrate shall thereupon issue process against the owner of such property if he be known, otherwise against the party in whose possession the property so taken was found, if known. In case of inability to serve such process upon the owner or the person in possession of the property at the time of its seizure, as hereinbefore provided, notice of the proceedings before the court, judge or magistrate shall be given as required by the statutes of the State governing cases of attachment. Upon the return of the process duly served or upon the posting or publishing of notice made, as hereinabove provided, the court, judge, magistrate or jury, if a jury shall be demanded, shall proceed to determine whether or not such property so seized was held or possessed in violation of this Act. In case of a finding that the fireworks or combustibles seized were possessed in violation of this Act, judgment shall be entered confiscating and forfeiting the property and ordering its destruction. As amended by Act approved April 15, 1965.

Violations—Punishment. 5. Any person, firm, co-partnership, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in the county jail not exceeding ninety days (90), or by both such fine and imprisonment.

FIRE ESCAPES

AN ACT relating to fire escapes. Approved June 28, 1919.

Fire Escapes on Certain Buildings Within Six Months.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That within six (6) months after the passage of this Act, all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair or other approved fire escapes attached to the outer walls thereof and extending from, or suitably near the ground, to the upper-most story thereof, and provided with platforms of such forms and dimensions, and in such proximity to one or more hinged windows or doors of each story above the first, as to render access to such ladder or stairs from each such story easy and safe: Provided, however, that all buildings more than two stories in height, used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire escape for every fifty (50) persons for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls, which provide seating room above the first or ground story, shall be provided with such numbers of said ladder or stair or other approved fire escapes as the officers herein named may direct.

Buildings Hereafter Erected.] § 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this Act, which shall be hereafter erected within this State, shall upon or before their completion each be provided with fire escapes of the kind and number, and in the manner set forth in said section one (1) of this Act.

Notice and service thereof.] § 3. The notice to provide fire escapes shall be in writing and shall be served on the owner, trustees, lessee or occupant of any building not provided with fire escapes in accordance with the provisions of this Act, commanding such owner or owners, trustees, lessee or occupant, or either of them, to place or cause to be placed upon such building or buildings, such fire escape or escapes, within thirty (30) days after the service of such notice.

Penalty.] § 4. Any such owner or owners, trustees, lessee or occupant, or either or them, so served with notice as aforesaid, who shall not within thirty (30) days after the service of such notice, upon him or them, place or cause to be placed such fire escape or escapes upon such buildings as required by this Act and the terms of such notice, shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), and to a further fine of fifty dollars (\$50) for each additional week of neglect to comply with such notice.

Disposition of Fines.] § 5. All the money or moneys collected as fines under and by virtue of this Act, shall be paid into or placed to the credit of the common school fund of the counties in which they are collected.

Inspection of Buildings.] § 6. Any person may at any time make complaint in writing to the authorities whose duty it is hereunder to enforce this law, that such escape or escapes are needed or are unsafe or insufficient, and it shall be the duty of such authorities to inspect such building or buildings, and escape or escapes, and cause notice to be served on the owner or owners, trustees, lessee or occupant, as provided in section three (3) of this Act, and such owner or owners, trustees, lessee or occupant shall immediately take steps to overcome the cause of complaint.

Enforcement of Act.] § 7. The Department of Public Safety shall have power

to enforce the provisions of this Act and to require by written notice, either upon complaint by any person or without complaint, any owner or owners, trustees, lessees or occupant of buildings to place fire escapes upon same within thirty (30) days, in accordance with this Act. Provided, however, the provisions of this Act shall not apply to cities, villages and towns within the State of Illinois that have passed and adopted or may by their proper legislative authority pass or adopt ordinances, by-laws or resolutions governing the kind, number, location, material and construction of fire escapes to be required on buildings within the corporate limits of such cities, villages and towns. As amended by Act approved June 30, 1941.

PUBLIC BUILDINGS IN GENERAL

AN ACT to regulate the means of egress from public buildings. Approved March 28, 1874.

Doors and Means of Egress.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches, school houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that said doors shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building.

Penalty.] § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000.

Closing Public Buildings.] § 3. The Department of Public Safety shall have power to enforce the provisions of this Act and in all cities and towns having a population of two thousand inhabitants and upwards, the Department of Public Safety and the mayor, or other corporate authorities of said town or city, shall be empowered and they are hereby authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this Act. As amended by act approved June 30, 1941.

1. Arson.) A person commits arson when, by means of fire or explosive, he knowingly:

- (a) Damages any real property, or any personal property having a value of \$150 or more, of another without his consent; or
- (b) With intent to defraud an insurer, damages any property or any personal property having a value of \$150 or more.

Property "of another" means a building or other property, whether real or personal, in which a person other than the offender has an interest which the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property.

Penalty.—A person convicted of arson shall be imprisoned in the penitentiary for any indeterminate term with a minimum of not less than one year. As amended by act approved August 14, 1967.

Possession of Explosives or Explosive or Incendiary Devices. Whoever possesses, manufactures or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use such explosive or device to commit any offense or knows that another intends to use such explosive or device to commit any offense for which one of the possible penalties is imprisonment in the penitentiary or knows that another intends to use such explosive or device to commit any offense for which one of the possible penalties is imprisonment in the penitentiary shall be imprisoned in the penitentiary from one to 20 years. As amended by act approved August 14, 1967.

DAMAGE AND TRESPASS TO PROPERTY

1. Criminal Damage to Property.—Whoever commits any of the following acts shall be fined not to exceed \$500.00 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both or for the commission of any act enu-

merated in subsection (a) or (f) when the damage to property exceeds \$150.00 may be imprisoned in the penitentiary for not more than five years or both fined and imprisoned:

(a) Knowingly damages any property of another without his consent; or

(b) Recklessly by means of fire or explosive damages property of another; or

(c) Knowingly starts a fire on the land of another without his consent; or

(d) Knowingly injures a domestic animal of another without his consent; or

(e) Knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.

(f) Damages any property, other than property described in Subsection 20—1(3), with intent to defraud an insurer. As amended by act approved Aug. 20, 1965.

2. Criminal Trespass to Vehicles. —

Whoever knowingly and without authority enters any vehicle, aircraft or watercraft or any part thereof of another without his consent shall be fined not to exceed \$500.00 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

3. Criminal Trespass to Land —

(a) Whoever enters upon the land or any part thereof of another, after receiving immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, shall be fined not to exceed \$100.00 or imprisoned in a penal institution other than the penitentiary not to exceed 10 days.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

FIRE PROTECTION DISTRICTS

AN ACT in relation to fire protection districts. Approved July 8, 1927. Title as amended by Act approved July 23, 1951.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Creation authorized—Petition—Hearing—Election—Order organizing.

§ 1. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety, welfare and convenience of the public, it is necessary in the public interest to provide for the creation of municipal corporations known as fire protection districts and to confer upon and vest in the fire protection districts all powers necessary or appropriate in order that they may engage in the acquisition, establishment, maintenance and operation of fire stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein and provide as nearly adequate protection from fire for lives and property within the districts as possible and regulate the prevention and control of fire therein; and that the powers herein conferred upon such fire protection districts are public objects and governmental functions in the public interest.

Whenever any territory is (1) an area of contiguous territory in a county, or in more than one, but in not more than five counties; (2) so situated that the destruction by fire of the buildings and other property therein is hazardous to the lives and property of the public; (3) so situated that the acquisition, establishment, maintenance and operation of a fire station or stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein will conduce to the promotion and protection of the health, safety, welfare and convenience of the public; (4) so situated that it does not divide any

city, village or incorporated town but, in the case of a city, village or incorporated town, situated partly within and partly without one or more existing fire protection districts, such territory shall not be considered as dividing the city, village or incorporated town if it includes all of the city, village or incorporated town situated outside of any existing fire protection district; (5) so situated that such territory contains no territory included in any other fire protection district, or if any territory is disconnected in the manner hereinafter provided in section 16c of this Act, the same may be incorporated as a fire protection district. In the case of territory disconnected from an existing district pursuant to the provisions of section 16c of this Act, such territory may be incorporated as provided in said section; otherwise such districts may be incorporated under this Act in the manner following:

Fifty or more of the legal voters resident within the limits of such proposed district, or a majority thereof if less than one hundred, may petition the county court of the county which contains all or the largest portion of the proposed district to cause the question to be submitted to the legal voters of such proposed district, whether such proposed territory shall be organized as a fire protection district under this Act; such petition shall be addressed to said county court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed district, and the name of such proposed district and shall allege facts in support of such organization and incorporation.

Upon filing any such petition in the office of the county clerk of the county in which such petition is made, it shall be the duty of the county court to fix a time and place for a hearing upon the subject of the petition.

Notice shall be given by the county court to whom the petition is addressed, or by the county clerk or sheriff of the county in which such petition is made at the order and direction of the county court, of the time and place of the hearing upon the subject of the petition at least 20 days prior

thereto by one publication thereof in one or more daily or weekly papers published within the proposed fire protection district (or if no daily or weekly newspaper is published within such proposed fire protection district, then either by one publication thereof in any newspaper of general circulation within said territory or by posting at least ten copies of such notice in such district at least 20 days before such hearing in conspicuous places as far separated from each other as consistently possible), and by mailing a copy of such notice to the mayor or president of the board of trustees of all cities, villages and incorporated towns in whole or in part within such proposed fire protection district.

At such hearing the then presiding judge of the county court shall preside; and all persons residing in or owning property situated in the proposed fire protection district shall have an opportunity to be heard; and if the court finds that the petition does not comply with the provisions of this Act or that the allegations of the petition are not true, the court shall dismiss the petition; but if the court finds that the petition complies with the provisions of this Act and that the allegations of the petition are true, the same shall be incorporated in an order which shall be spread at length upon the records of the county court. Upon the entering of such order the court shall order an election to submit to the legal voters of the proposed fire protection district the question of organization and establishment of the proposed fire protection district at an election to be held within 60 days after entering such order, notice whereof shall be given by the court, or by the county clerk or sheriff upon order of the county court at least 20 days prior thereto by one publication thereof in one or more daily or weekly papers published within such proposed fire protection district, (or if no daily or weekly newspaper is published in such proposed district, then either by one publication thereof in any newspaper of general circulation in said proposed fire protection district or by posting at least ten copies of such notice in the proposed dis-

trict at least 20 days before such election in conspicuous places as far separated from each other as consistently possible). Such notice shall specify the purpose of such election with a description of such proposed district and the time and place for holding such election.

Each legal voter resident within such proposed district shall have the right to cast a ballot at such election. Ballots at an election held under this section shall be in substantially the following form, to-wit:

For Fire Protection District	
Against Fire Protection District	

The court shall establish and fix the boundaries of one or more voting precincts within the proposed fire protection district and shall designate one polling place for each precinct and appoint three judges for each polling place. If a city or village or incorporated town or any part thereof is included in the territory proposed as a district, then the court shall provide separate voting precincts and polling places for voters residing in such city or village or incorporated town and those residing without such city or village or incorporated town. The judges shall return the ballots and original poll books with a certificate showing the result of election in each precinct in the county court which shall canvass the returns from each precinct within five days after the election. The court shall cause a statement of the results of such election to be spread upon the records of the county court. If no city or village or incorporated town nor any part thereof is included in the territory proposed as a district and the majority of the votes cast at such election upon the question shall be in favor of the incorporation of the proposed fire protection district, or if a city or village or incorporated town or any part thereof is included in the territory proposed as a district and a majority of the votes cast at such election upon the question, within the limits of each city or village or incorpo-

rated town and also a majority of those cast outside the limits of each such city or village or incorporated town shall be in favor of the proposed fire protection district, such district shall thenceforth be deemed an organized fire protection district under this Act, and the county court shall enter an order accordingly and cause the same to be spread upon the records of the county court and shall also cause to be sent to the county clerk of any and all other counties in which any portion of the district lies and to the Department of Public Safety a certified copy of the order organizing such district and a plat of the same indicating what lands of the district lie in such other county or counties. The county clerk shall also file with the Department of Public Safety a certified copy of any other order organizing any other fire protection district which may have been therefore organized in the county.

The provisions of this amendatory Act of 1963 shall apply only to cities incorporated after 1956. As amended by act approved July 7, 1967.

Creation authorized—Petition—Hearing—Election—Order organizing.] § 1. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety, welfare and convenience of the public, it is necessary in the public interest to provide for the creation of municipal corporations known as fire protection districts and to confer upon and vest in the fire protection districts all powers necessary or appropriate in order that they may engage in the acquisition, establishment, maintenance and operation of fire stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein and provide as nearly adequate protection from fire for lives and property within the districts as possible and regulate the prevention and control of fire therein; and that the powers herein conferred upon such fire protection districts are public objects and governmental functions in the public interest.

Whenever any territory is (1) an area of contiguous territory in a county, or in more than one but in not more than 5 counties;

(2) so situated that the destruction by fire of the buildings and other property therein is hazardous to the lives and property of the public; (3) so situated that the acquisition, establishment, maintenance and operation of a fire station or stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein will conduce to the promotion and protection of the health, safety, welfare and convenience of the public; (4) so situated that it does not divide any city, village or incorporated town, but, in the case of a city, village or incorporated town situated partly within and partly without one or more existing fire protection districts, such territory shall not be considered as dividing the city, village or incorporated town if it includes all of the city, village or incorporated town situated outside of any existing fire protection district; (5) so situated that such territory contains no territory included in any other fire protection district, the same may be incorporated as a fire protection district. Such districts may be incorporated under this Act in the manner following:

Fifty or more of the legal voters resident within the limits of such proposed district, or a majority thereof if less than 100, may petition the circuit court for the county which contains all or the largest portion of the proposed district to cause the question to be submitted to the legal voters of such proposed district, whether such proposed territory shall be organized as a fire protection district under this Act; such petition shall be addressed to said court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed district, and the name of such proposed district and shall allege facts in support of such organization and incorporation.

Upon filing any such petition in the office of the circuit clerk of the county in which such petition is made, it shall be the duty of the court to fix a time and place for a hearing upon the subject of the petition.

Notice shall be given by the court to whom the petition is addressed, or by the circuit clerk or sheriff of the county in which such petition is made at the order and direction of the court, of the time and place of the hear-

ing upon the subject of the petition at least 20 days prior thereto by one publication thereof in one or more daily or weekly papers published within the proposed fire protection district (or if no daily or weekly newspaper is published within such proposed fire protection district, then either by one publication thereof in any newspaper of general circulation within said territory or by posting at least 10 copies of such notice in such district at least 20 days before such hearing in conspicuous places as far separated from each other as consistently possible), and by mailing a copy of such notice to the mayor or president of the board of trustees of all cities, villages and incorporated towns in whole or in part within such proposed fire protection district.

At such hearing all persons residing in or owning property situated in the proposed fire protection district shall have an opportunity to be heard; and if the court finds that the petition does not comply with the provisions of this Act or that the allegations of the petition are not true, the court shall dismiss the petition; but if the court finds that the petition complies with the provisions of this Act and that the allegations of the petition are true, the same shall be incorporated in an order which shall be spread at length upon the records of the court. Upon the entering of such order the court shall order an election to submit to the legal voters of the proposed fire protection district the question of organization and establishment of the proposed fire protection district at an election to be held within 60 days after entering such order, notice whereof shall be given by the court, or by the circuit clerk or sheriff upon order of the court at least 20 days prior thereto by one publication thereof in one or more daily or weekly papers published within such proposed fire protection district, (or if no daily or weekly newspaper is published in such proposed district, then either by one publication thereof in any newspaper of general circulation in said proposed fire protection district or by posting at least 10 copies of such notice in the proposed district at least 20 days before such election in conspicuous places as far separated from each other as consis-

tently possible). Such notice shall specify the purpose of such election with a description of such proposed district and the time and place for holding such election.

Each legal voter resident within such proposed district shall have the right to cast a ballot at such election. Ballots at an election held under this section shall be in substantially the following form, to-wit:

For Fire Protection District	
Against Fire Protection District	

The court shall establish and fix the boundaries of one or more voting precincts within the proposed fire protection district and shall designate one polling place for each precinct and appoint 3 judges for each polling place. If a city or village or incorporated town or any part thereof is included in the territory proposed as a district, then the court shall provide separate voting precincts and polling places for voters residing in such city or village or incorporated town and those residing without such city or village or incorporated town. The judges shall return the ballots and original poll books with a certificate showing the result of election in each precinct to the court which shall canvass the returns from each precinct within 5 days after the election. The court shall cause a statement of the results of such election to be spread upon the records of the court. If no city or village or incorporated town nor any part thereof is included in the territory proposed as a district and the majority of the votes cast at such election upon the question shall be in favor of the incorporation of the proposed fire protection district, or if a city or village or incorporated town or any part thereof is included in the territory proposed as a district and a majority of the votes cast at such election upon the question, within the limits of each city or village or incorporated town and also a majority of those cast outside the limits of each such city or village or incorporated town shall be in favor of the proposed fire protection district, such dis-

trict shall thenceforth be deemed an organized fire protection district under this Act, and the court shall enter an order accordingly and cause the same to be spread upon the records of the court and shall also cause to be sent to the circuit clerk of any and all other counties in which any portion of the district lies and to the Department of Public Safety a certified copy of the order organizing such district and a plat of the same indicating what lands of the district lie in such other county or counties. The circuit clerk shall also file with the Department of Public Safety a certified copy of any other order organizing any other fire protection district which may have been theretofore organized in the county.

The provisions of this amendatory Act of 1963 shall apply only to cities incorporated after 1956. As amended by act approved Sept. 7, 1967.

Election against organization—Subsequent election to organize—Time restriction.

§ 1.01 Where an election has been held to organize any territory as a Fire Protection District under this Act, at which election a majority of the votes cast in the territory proposed to be organized was against the organization of a Fire Protection District, or in case a city, village or incorporated town is in the territory sought to be organized, then if the proposition failed to receive a majority of the votes cast either in such city, village or incorporated town or in the territory outside of such city, village or incorporated town, then no subsequent election shall be held to organize such territory, or any part thereof, into a Fire Protection District for a period of two (2) years after such election. Added by act approved July 7, 1955.

Judicial notice of existence to district.

§ 2. All courts in this State shall take judicial notice of the existence of all fire protection districts organized under this Act and every such district shall constitute a body corporate and as such may sue or be sued either in law or in equity. As amended by act approved July 27, 1949.

**Annexation of territory—Petition—
Hearing — Election — Resolution accepting
or rejecting territory**

§ 3. Additional contiguous territory having the qualifications set forth in Section 1 may be added to any fire protection district as provided for in this Act in the manner following:

One percent or more of the legal voters resident within the limits of such proposed addition to such fire protection district may petition the court of the county in which the original petition for the formation of said fire protection district was filed, to cause the question to be submitted to the legal voters of such proposed additional territory whether such proposed additional territory shall become a part of any contiguous fire protection district organized under this Act and whether the voters of such additional territory shall assume a proportionate share of the bonded indebtedness of such district. Such petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed addition and shall allege facts in support of such addition.

Upon filing such petition in the office of the circuit clerk of the county in which the original petition for the formation of such fire protection district was filed, it shall be the duty of the court to fix a time and place of a hearing upon the subject of said petition.

Notice shall be given by the court, or by the circuit clerk or sheriff upon order of the court of the county in which such petition is filed, of the time and place of a hearing upon the petition in the manner as provided in Section 1. The conduct of the hearing and the manner of conducting a subsequent election on the question whether the proposed additional territory shall become a part of the fire protection district, shall be carried out in the manner described in Section 1, as nearly as may be, but the ballots at the election held under this section shall be in substantially the following form, to-wit:

For joining the Fire Protection District and assuming a proportionate share of bonded indebtedness, if any.	
Against joining the Fire Protection District and assuming a proportionate share of bonded indebtedness, if any.	

If a majority of the votes cast at such election upon the question of becoming a part of any contiguous fire protection district shall be in favor of becoming a part of such fire protection district and if the trustees of said fire protection district accept the proposed additional territory by resolution, such proposed additional territory shall thenceforth be deemed an integral part of such fire protection district and shall be subject to all the benefits of service and responsibilities of said district as herein set forth.

The owner or owners of any tract or tracts of land, contiguous to an existing fire protection district and not already included in a fire protection district, may file a written petition, addressed to the trustees of the fire protection district to which they seek to have their tract or tracts of land attached, containing a definite description of the boundaries of the territory and a statement that they desire that their property become a part of the fire protection district to which their petition is addressed, and that they are willing that their property assume a proportionate share of the bonded indebtedness, if any, of such fire protection district.

When such a petition is filed with the trustees, they shall immediately pass a resolution to accept or reject the territory proposed to be attached. If the trustees resolve in favor of accepting such territory, they shall file with the court of the county where the fire protection district was organized the original petition and a certified copy of the resolution and the court shall then enter an order stating that such proposed annexed territory shall thenceforth be deemed an integral part of such fire

protection district and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order to the circuit clerk of each county in which any of the territory affected is situated and to the Department of Public Safety. As amended by act approved September 7, 1967.

Board of trustees—Appointment—Term—Powers—Qualifications—Quorum.

§ 4. A board of trustees consisting of three members for the government and control of the affairs and business of such fire protection district incorporated under this act shall be created in the following manner:

Within 20 days after the adoption of said act as provided in Section 1 thereof, the county court of the county in which the greater portion of such fire protection district lies, shall appoint three trustees who are electors in said district, provided, not more than one of whom shall be from any one city or village or incorporated town in a district unless such city or village or incorporated town shall have more than 50% of the population in the district according to last preceding Federal census. Said trustees shall hold their offices thenceforward and for one, two and three years from the first Monday of May next after their appointment and until their successors have been appointed and qualified and thereafter on or before the second Monday in April of each year the said county court shall appoint one trustee whose term shall be for three years commencing on the first Monday in May next after they are respectively appointed. The length of term of the first trustees shall be determined by lot at their first meeting.

Said county court shall require each of said trustees to enter into bond with security to be approved by the court in such sum as the court may determine.

A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. No trustees or employee of such district shall be directly or indirectly interested financially in any contract work or business or the sale

of any article, the expense, price or consideration of which is paid by said district; nor in the purchase of any real estate or other property, belonging to the district, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of said district; provided that nothing herein shall be construed as prohibiting the appointment or selection of any person or trustee or employee whose only interest in said district is as an owner of real estate in said fire protection district or of contributing to the payment of taxes levied by said district. The trustees shall have the power to provide and adopt a corporate seal for the district. As amended by act approved June 13, 1957.

Appointment to fill vacancy.

§ 5. Whenever a vacancy in said board of trustees shall occur, either by death, resignation, refusal to qualify or for any other reason, the county court shall have power to fill such vacancy by appointment, and such person so appointed shall qualify for office in the manner hereinbefore stated and shall thereupon assume the duties of the office for the unexpired term to which such person was appointed. As amended by act approved July 27, 1949.

Organization, powers and duties of board.

6. The trustees appointed in pursuance of the foregoing provisions of this Act shall constitute a board of trustees for the district for which they are appointed, which board of trustees is declared to be the corporate authority of the fire protection district, and shall exercise all of the powers and control all the affairs and property of such district. The board of trustees immediately after their appointment and at their first meeting in May of each year thereafter shall elect one of their number as president and one of their number as secretary and shall elect a treasurer for the district, who may be one of the trustees or be any other citizen of the district and who shall hold office during the pleasure of the board and who shall give such bond as may be required by the board. Except as otherwise provided in Sections 16.01 to

16.18, inclusive, the board may appoint a fire chief and such firemen as may be necessary for the district who shall hold office during the pleasure of the board and who shall give such bond as the board may require. The board may prescribe the duties and fix the compensation of all of the officers and employees of the fire protection district: However a member of the board of trustees shall in no case receive a sum to exceed \$500 per annum. The trustees shall also have the express power to execute a note or notes and to execute a mortgage or trust deed to secure the payment of such note or notes; which trust deed or mortgage shall cover real estate, or some part thereof, owned by the district and the lien of such mortgage shall apply to the real estate so mortgaged by the district, and the proceeds of such note or notes may be used in the acquisition of real estate or in the erection of improvements on such real estate. The trustees have express power to purchase either real estate or personal property to be used for the purposes of the fire protection district through contracts which provide for the consideration for such purchase to be paid through installments to be made at stated intervals during a certain period of time, but, in no case, shall such contracts provide for the consideration to be paid during a period of time in excess of 10 years. The trustees have express power to provide for the benefit of its employees, volunteer firemen and paid firemen, group life, health, accident, hospital and medical insurance, or any combination thereof; and to pay for all or any portion of the premiums on such insurance. Such insurance may include provisions for employees who rely on treatment by spiritual means alone through prayer for healing in accord with the tenets and practice of a well-recognized religious denomination. The board of trustees have full power to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of such board of trustees of such fire protection district for carrying into effect the objects for which

the district was formed. As amended by act Approved August 7, 1967.

Accountant—Audit and reports. § 6.1.

The trustees of every Fire Protection District created under this Act shall employ a person authorized to practice public accounting under the laws of this State to audit the district's accounts annually and prepare a report thereof in duplicate. The audit shall be made within 90 days following the close of the fiscal year of the district and shall specify the receipts and disbursements by funds, showing the amounts due and accruing and the outstanding liabilities against each fund. The audit report shall be filed with the county clerk of the county in which the Fire Protection District was organized as a public record and a copy thereof shall be filed with the secretary of the district as part of its corporate records. Added by Act approved July 24, 1967.

Publication of ordinances

§ 7. All ordinances imposing any penalty or making any appropriations shall, within one month after they are passed, be published at least once in a newspaper published in said district, or if no such newspaper of general circulation is published therein, then either by one publication in any newspaper of general circulation within said territory or by posting copies of the same in ten public places in the district; and no such ordinance shall take effect until ten days after it is so published or posted, and all other ordinances and resolutions shall take effect from and after their passage unless otherwise provided therein. As amended by act approved July 7, 1955.

Proof of ordinances, etc.

§ 8. All ordinances, orders, and resolutions and the date of publication thereof, may be proven by the certificate of the secretary under the seal of the corporation and when printed in book or pamphlet form and purporting to be published by the board of trustees, such book or pamphlet shall be received as competent evidence of the passage and legal publication of such ordi-

nances, orders and resolutions as of the dates mentioned such book or pamphlet, in all courts and places without further proof. As amended by act approved July 27, 1949.

Acquiring apparatus from municipality.

§ 9. In acquiring from any city or village or incorporated town any fire protection facilities including without limiting the generality of the foregoing, all obligations under any pension or annuity plan or plans and all other contractual liabilities applicable to the maintenance of fire protection facilities, said fire protection district shall compensate said city or village or incorporated town for the fair and reasonable value of said works and if said value cannot be mutually agreed upon, then the same shall be determined by a board of three engineers one appointed by the city or village or incorporated town, one appointed by the district and the third appointed by the two engineers selected as above described. A decision of a majority of said board shall be binding upon both parties and the cost of the services of said board shall be shared by both parties equally. As amended by act approved July 27, 1949.

May acquire land, build houses.

§ 10. The Board of Trustees of any fire protection district incorporated under this act has the power to acquire private property by gift, grant, lease, purchase, condemnation or otherwise, within the boundaries of said district, or within one mile beyond the boundaries of said district, for the purposes herein specified and to adopt and enforce ordinances for the necessary protection of sources of the water supply and also has power to build houses for care of fire protection apparatus. When private property is condemned under this act, the compensation shall be determined in the manner as provided by "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, as amended. As amended by Act approved June 13, 1957.

Sale or exchange of property.

§ 10a. The board of trustees of any

fire protection district incorporated under this Act may sell, lease or exchange personalty and may sell or lease realty owned by the district and no longer needed for fire protection purposes. Any realty sold pursuant to this Section shall be sold to the highest and best bidder either at public auction or on sealed bids. Notice of the public auction or of the receipt of bids shall be published at least once in a newspaper having a general circulation in the district or posted in at least ten public places in the district at least ten days before the date of the auction or the receipt of bids.

Nothing in this section shall prevent a fire protection district from transferring realty to another municipal corporation or political subdivision pursuant to "An Act in relation to the transfer of real estate owned by municipalities," approved July 2, 1925, as amended. As amended by act approved August 7, 1961.

Joint ownership of fire fighting equipment.

§10b. Any two or more fire districts or one or more fire protection districts and one or more cities, villages or incorporated towns may provide for joint ownership of fire fighting equipment, communication equipment, rescue and resuscitator equipment and real and personal property necessary for the care and housing of such equipment. In case of joint ownership the terms of the agreement shall be fair, just and equitable to all parties and shall be set forth in a written agreement entered into by the corporate authorities of each participating unit. Added by Act approved June 13, 1957.

Shall provide fire protection in district

§ 11. The board of trustees of any fire protection district incorporated under this Act has the power and it is its legal duty and obligation to provide as nearly adequate protection from fire for all persons and property within the said district as possible and to prescribe necessary regulations for the prevention and control of fire therein. Consistent with this duty, the board of trustees may provide and maintain life saving and rescue equipment, services

and facilities. As amended by act approved May 31, 1957.

Contracts for fire protection.

§ 11a. The Board of Trustees of any fire protection district organized hereunder may contract with any corporation organized to furnish fire protection service or with any association organized to furnish fire protection service or with any city, village, incorporated town, or organized fire protection district lying adjacent to such district for fire protection service to be furnished by such corporation or such association or such municipality or fire protection district for the property within such district or to be furnished by such district for the property within such municipality. The board of trustees may also contract for the installation, rental or use of fire hydrants within the fire protection district and for the furnishing of water to be used within such district for fire protection purposes, and for mutual aid from and to other fire protection districts, and for mutual aid from and to corporations and associations organized to furnish fire protection service and for mutual aid from and to municipalities. As amended by Act approved June 13, 1957.

Existing municipal protection facilities— Cessation of operation.

§ 11b. In case any fire protection district organized hereunder is coterminous with or includes within its corporate limits in whole or in part any city, village or incorporated town authorized to provide protection from fire and to regulate the prevention and control of fire within such city, village or incorporated town and to levy taxes for any such purposes, then such city, village or incorporated town, shall not exercise any such powers as necessarily conflict with the powers to be exercised by such district in respect to such fire protection and regulation within the fire protection district from and after the date that it receives written notice from the Director of Public Safety to cease or refrain from the operation of any fire protection facilities and the exercise of such

powers, which notice shall be given only after the Director of Public Safety has ascertained that the Fire Protection District has placed its fire protection facilities in operation. Such city, village or incorporated town shall not thereafter own, operate, maintain, manage, control or have an interest in any fire protection facilities located within the corporate limits of the fire protection district, except water mains and hydrants and except as otherwise provided in this Act. The Director of Public Safety, upon request of the Board of Trustees of any Fire Protection District, shall ascertain whether the District's fire protection facilities are in operation so that it may supersede the power of any city, village or incorporated town to operate fire protection facilities within the boundaries of the District. Where in case any city, village or incorporated town is in fact owning, operating and maintaining fire protection facilities located within the corporate limits of a fire protection district organized under this Act, such city, village or incorporated town shall be paid and reimbursed for its actual expenditures and for all existing obligations incurred, including all pension and annuity plans applicable to the maintenance of fire protection facilities theretofore made in establishing such facilities and in acquiring, constructing, improving or developing any such existing facilities in the manner provided for by this Act. The terms of payment shall provide for reimbursement in full within not less than twenty years from the date of such agreement. As amended by act approved August 7, 1961.

Issuance of bonds—Referendum.

§ 12. Any fire protection district incorporated under this Act may borrow money for corporate purposes and may issue bonds therefor, but shall not become indebted in any manner, or for any purpose, to an amount in the aggregate to exceed 5% on the valuation of taxable property therein to be ascertained by the last assessment for State and County taxes previous to the incurring of such indebtedness. Whenever the board of trustees of such dis-

trict desires to issue bonds hereunder they shall order an election to be held in such district upon the question. The notice of election shall state the amount of bonds to be issued and the polling places at which such election shall be held and shall be posted in at least 10 public places at least 20 days prior to the election. Such election notice shall also be published in a newspaper published in the district, if there be such newspaper, at least 20 days prior to the election. The board of trustees shall establish and fix the boundaries of one or more voting precincts within the district and shall designate one polling place for each precinct and appoint three judges for each polling place for such election. The returns of such election shall be filed with the secretary of the board of trustees and be canvassed and the result ascertained by said board and entered upon the records of the district. If it shall appear that a majority of all valid votes cast at said election are in favor of the issue of said bonds, the board of trustees shall order and direct the execution of the bonds for and on behalf of said district. All bonds, issued hereunder shall mature in not exceeding 20 annual installments. The ballots for elections held under this section shall be in substantially the following form:

Shall bonds of Fire Protection District in the amount of	YES	
..... be issued?	NO	

As amended by act approved July 6, 1957.

Tax to retire bonds.

§ 13. At the time of or before incurring any indebtedness the board of trustees shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within twenty years from the time of contracting same; such tax shall be in addition to and in excess of all other taxes heretofore or here-

after authorized to be levied by such district. A certified copy of the ordinance adopted by the board of trustees authorizing the issuance of such bonds and levying a tax to pay the same shall be filed in the office of the county clerk of each of the counties wherein any of the territory of the district is situated which certified copy shall constitute the authority for the county clerk or clerks, in each case, to extend the taxes annually necessary to pay the principal of and interest on such bonds as the same mature. As amended by act approved July 27, 1949.

Taxes for corporate purposes—Election.

§ 14. The Board of trustees may levy and collect other taxes for all corporate purposes, including, without limiting the generality of the foregoing, the payment of all obligations incurred in taking over the fire protection facilities of any city, village or incorporated town located within the boundaries of any such district, including all pension or annuity plans of any such city, village or incorporated town applicable to the maintenance of fire protection facilities, and further for the purposes of building, repairing and improving fire houses, of the renting of buildings and property for corporate purposes and of procuring firehouse land or sites, fire-fighting apparatus and equipment, exclusive of taxes to pay bonded indebtedness upon all the taxable property within the territorial limits of such fire protection district, the aggregate amount of which shall not exceed .10%, or the rate limitation in effect on the effective date of this Amendatory Act, whichever is higher, of the value, as equalized or assessed by the Department of Revenue except as hereinafter provided.

The Board of trustees may accumulate funds for the purposes of building, repairing and improving firehouses, and for the purposes of procuring firehouse land or sites, fire-fighting apparatus and equipment and may annually levy taxes for such purposes in excess of current requirements for its other purposes but subject to the tax rate limitation as hereinbefore provided.

If the Board of Trustees desire to levy such taxes at a rate in excess of .10%, or the rate limitation in effect on the effective date of this Amendatory Act, whichever is greater, but not in excess of .25% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue, they shall order an election to be held within the district upon the question. Notice of the time of such election and the polling places at which such election shall be held shall be posted in at least 10 public places at least 20 days prior to the election. Such election notice shall also be published in a newspaper having a general circulation within the district, if there be such newspaper, at least 20 days prior to the election. The board of trustees shall fix the boundaries of one or more voting precincts within the district and shall designate one polling place for each precinct and appoint three judges for each polling place for such election. The returns of such election shall be filed with the secretary of the board of trustees and shall be canvassed and the result ascertained by said board and entered upon the records of the district. If a majority of the voters at said election vote in favor of the proposition, the board of trustees may levy such taxes at a rate not to exceed .25% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue. The ballots for election held under this Section shall be in substantially the following form:

Shall the maximum allowable tax rate for the Fire Protection District be increased to .25% of the value of all taxable property within the District as equalized or assessed by the Department of Revenue?	YES	
	NO	

As amended by act approved June 29, 1967.

Taxes for corporate purposes—Levy and collection — Abandonment or increase of taxes—Elections.] § 14. The Board of

trustees may levy and collect other taxes for all corporate purposes, including, without limiting the generality of the foregoing, the payment of all obligations incurred in taking over the fire protection facilities of any city, village or incorporated town located within the boundaries of any such district, including all pension or annuity plans of any such city, village or incorporated town applicable to the maintenance of fire protection facilities, and further for the purposes of building, repairing and improving fire houses, of the renting of buildings and property for corporate purposes and of procuring fire-house land or sites, fire-fighting apparatus and equipment, exclusive of taxes to pay bonded indebtedness upon all the taxable property within the territorial limits of such fire protection district, the aggregate amount of which shall not exceed .10%, or the rate limit in effect on the effective date of this Amendatory Act of 1967, whichever is greater, of the full, fair cash value, as equalized or assessed by the Department of Revenue except as hereinafter provided.

The Board of trustees may accumulate funds for the purposes of building, repairing and improving firehouses, and for the purposes of procuring firehouse land or sites, fire-fighting apparatus and equipment and may annually levy taxes for such purposes in excess of current requirements for its other purposes but subject to the tax rate limitations as hereinbefore provided.

If the Board of trustees desires to levy such taxes at a rate in excess of the rate limit in effect on the effective date of this Amendatory Act of 1967 and in excess of .20% but not in excess of .40% of the full, fair cash value of all taxable property within the district as equalized or assessed by the Department of Revenue, it shall order an election to be held within the district upon the question. Notice of the time of such election and the polling places at which such election shall be held shall be posted in at least 10 public places at least 20 days prior to the election. Such election notice shall also be published in a newspaper having a general circulation within the district, if there be such newspaper, at least 20 days prior to the election. The

board of trustees shall fix the boundaries of one or more voting precincts within the district and shall designate one polling place for each precinct and appoint 3 judges for each polling place for such election. The returns of such election shall be filed with the secretary of the board of trustees and shall be canvassed and the result ascertained by said board and entered upon the records of the district. If a majority of the voters at said election vote in favor of the proposition, the board of trustees may levy such taxes at a rate not to exceed .40% of the full, fair cash value of all taxable property within the district as equalized or assessed by the Department of Revenue. The ballots for elections held under this Section shall be in substantially the following form:

<p>Shall the maximum allowable tax rate for the Fire Protection District be increased to .40% of the full, fair cash value of all taxable property within the District as equalized or assessed by the Department of Revenue?</p>	YES	
	NO	

The Board of Trustees shall have power to levy such taxes at a rate in excess of .10%, or the rate limit in effect on the effective date of this Amendatory Act of 1967, whichever is greater, but not in excess of .20% of the full, fair cash value of all taxable property within the district as equalized or assessed by the Department of Revenue, under the following terms and conditions.

The Board of trustees shall proceed in like manner prior to the adoption of the tax levy ordinance providing for the levy of taxes at a rate not in excess of .20% as if the Board of trustees had followed the procedures to adopt a tax levy ordinance not in excess of .10%, or the rate limit in effect on the effective date of this Amendatory Act of 1967, whichever is greater, of the full, fair cash value of all taxable property within the district as equalized or assessed by the Department of Revenue.

The Board of trustees may provide by ordinance for the levy and collection of taxes at a rate not in excess of .20% of the full, fair cash value of all taxable property within the district as equalized or assessed by the Department of Revenue. A certified copy of said tax levy ordinance shall be filed in the office of the County Clerk of each county in which any portion of the territory of such fire protection district is situated which certified copy shall constitute the authority for the clerk or clerks in each case to extend taxes annually at the rate so provided against all of the taxable property contained in said fire protection district.

After the said tax levy ordinance has been passed, it shall be published once within 30 days after its passage in one or more newspapers published in the fire protection district or, if no newspaper is published therein, publication may be made instead by posting copies of such ordinance in 10 public places within the fire protection district. The ordinance shall not become effective until fifteen days after its publication or the date of such posting of said copies.

Whenever a petition signed by the electors of the fire protection district equal in number to 10% or more of the electors residing within the said fire protection district is filed with the Board of trustees thereof which has adopted a tax levy ordinance providing for such increase in the rate of taxes and such petition has been filed with the Board of trustees within 15 days after the publication or the date of the posting of said copies which said petition seeks the submission of such increase in the rate of taxes to an election, the Board of trustees shall provide by ordinance for the submission of the question to the electors of said fire protection district at a special election which the Board of trustees is hereby authorized to call. This ordinance shall, (1) designate the date of the election at which the question shall be submitted, (2) designate the place or places where the election shall be held, (3) appoint the judges thereof, (4) fix all the details with respect to the holding and conducting of the election, and (5) provide for the giving of notice of the election in the manner and form as

provided by law for the calling and holding of elections in fire protection districts for other corporate purposes.

Election officers who have charge of the preparation of ballots and the giving of the notice of election and of the counting and canvassing and making return of ballots, shall take all necessary steps and do all necessary acts to have this question submitted to a vote as hereinbefore provided in this Section, and to have the results of this election canvassed and certified, as provided by law in other similar cases.

The ballot to be used at this election shall be substantially in the following form:

Shall the maximum allowable tax rate for Fire Protection District be increased to .20% of the full, fair cash value of all taxable property within the District as equalized or assessed by the Department of Revenue?	YES	
	NO	

Provided however, that the foregoing limitations upon tax rates may be further increased or decreased under the referendum provisions of the General Revenue Law of Illinois. As amended by act approved Aug. 7, 1967. L.1967, p. —, H.B. No. 1962.

**Consolidated fire protection districts—
Authorization.**

§ 14.01. Any two or more adjoining fire protection districts may merge and form a single consolidated district which shall thereafter be subject to the provisions of this Act. For the purpose of this Article, districts shall be considered as adjoining when any portion of their boundaries are contiguous or overlap. When the proposed consolidated district will include more than two districts, it shall not be necessary for each district to adjoin each of the other districts, but it shall be sufficient if each district adjoins one of the other districts. Added by act approved June 13, 1957.

Petition

§ 14.02. A consolidated district may be

formed upon petition signed by 50 or more of the legal voters resident within the limits of each of the districts proposed to be consolidated. The petition shall be filed in the circuit court for the county in which the greater part of the land in the proposed consolidated district will be situated. The petition shall set forth (a) the names proposed to be merged, (b) the name of the proposed consolidated district and (c) the reasons for and the advantages to be derived from such consolidation. The petition shall conclude with a prayer for the merger of the districts into a single consolidated district. Upon its filing, the petition shall be presented to the court which shall fix the date and hour for hearing. As amended by Act approved September 7, 1967.

Notice of hearing.

§ 14.03. The clerk of the court shall give notice of the hearing substantially in the form and in the manner and for the length of time provided hereinafter. Within 5 days after the first publication of the notice the clerk of the court shall mail a copy thereof by first-class mail with postage fully prepaid to each trustee of each district. The notice shall be entitled "Proposed Consolidation of Fire Protection Districts" and must state: (a) in what court and on what date the petition was filed; (b) the names of the districts proposed to be consolidated and the name of the proposed consolidated district; (c) a general description of the matter proposed to the court; and (d) the place, date and hour the petition will be heard. Added by act approved June 13, 1957.

Publication of notice of hearing.

§ 14.04. Notice of the hearing on the petition shall be given by publishing the notice in a newspaper of general circulation published in the county in which the districts are situated. The notice shall be published once each week for two successive weeks. The first publication of the notice shall be at least three weeks prior to the date fixed for hearing. When the districts are situated in two or more counties, then such notice shall be given as aforesaid by

publishing the same in a newspaper of general circulation published in each of said counties. If no newspaper of general circulation is published in any such county, then publication of the notice shall be in a newspaper having general circulation in that county.

The certificate of the clerk of the court affixed to a copy of the notice shall be sufficient evidence of the mailing of the notices to the said trustees. Added by act approved June 13, 1957.

Hearing—Election

§ 14.05. At the hearing the court shall first determine whether the districts are adjoining and whether the petition is signed by 50 or more of the legal voters resident within the limits of each of the districts proposed to be consolidated. If the districts are not adjoining or if the petition is not so signed the petition shall be dismissed.

If the districts are adjoining and the petition is so signed, the court shall then order the question of consolidation submitted to the legal voters in each district at a special election to be held in each district. The court shall fix the day upon which the election shall be held which shall be the same day in each district and which shall not be less than thirty days nor more than sixty days from the day the order is entered. The court, at the time of calling the election, shall also designate the polling place or places in each district and designate the hours at which the polling places will open and close. Upon calling the election the court shall continue the cause to a day certain, which day shall be not less than seven nor more than fourteen days following the day fixed for the election.

The clerk of the court shall give notice of the election by publishing notice thereof in the manner and for the length of time provided in Section 14.04 in the case of a hearing on a petition. The ballots cast at the election shall be in substantially the following form:

Shall (name of district in which election is being held), be consolidated with (name of other district or districts) to organize (name of consolidated district)?	YES	
	NO	

The reverse side of the ballot shall show the official nature of the ballot by the certificate of the clerk of the court, and it shall be the duty of the clerk to cause the ballots to be prepared. The court shall designate the judges of the election at the time of calling the election. The judges of election shall return the ballots and original poll books with a certificate showing the result of each election in each district to the court which shall canvass the returns from each district within five days after the election. The court shall cause a statement of the results of such election to be spread upon the records of the court. The costs of the election in each district shall be borne by that district. If, in each district, a majority of the voters voting on the question shall favor consolidation, the court shall order the consolidation of the districts into the consolidated district. As amended by act approved September 7, 1967.

Effect of consolidation.

§ 14.06 Upon the entry of an order consolidating two or more districts, the individual districts shall lose their separate existence and be consolidated into the one consolidated district and the consolidated district shall thereupon become a body politic and corporate with all the powers, rights, duties and obligations of other districts organized under this Act. The consolidated district shall succeed to all the records, property, funds, rights and duties of the districts consolidated into the consolidated district. Added by act approved June 13, 1957.

Trustees—Appointment—Powers—Qualifications.

§ 14.07. Upon the organization of the consolidated district, the duties of trustees and other officers of each district consoli-

dated therein shall cease. The court shall appoint three trustees of the consolidated district within 20 days after the entry of the order consolidating the districts. Said trustees shall be electors in said consolidated district, provided not more than one of them shall be from any city or village or incorporated town in the district unless such city or village or incorporated town shall have more than 50% of the population in the district according to last preceding Federal Census in which are included two or more cities or villages or incorporated towns. Said trustees shall hold such terms of offices and shall have such powers and qualifications as is provided for trustees under Section 4 of "An Act in relation to fire protection districts." Added by act approved June 13, 1957.

**Indebtedness of individual districts—
Liens to remain unimpaired.**

§ 14.08. In case any district consolidated into a consolidated district has bonds or notes outstanding which are a lien on funds on hand in the treasury at the time of consolidation, such lien shall be unimpaired by such consolidation and the lien shall continue in favor of the bond or note holders. The funds on hand subject to such a lien shall be set apart and held for the purpose of retiring such secured debt and no such funds shall be transferred into the general funds of the consolidated district until all indebtedness of the district consolidated into the consolidated district has been discharged.

In case any district consolidated into a consolidated district has unsecured debts outstanding at the time of consolidation, any funds in the treasury of such district or otherwise available and not committed shall, to the extent necessary, be applied to the payment of such debts.

All property in the consolidated district, without discrimination between the territory in the several districts consolidated into the consolidated district, shall be subject to taxation to pay the debts, bonds, and obligations of the consolidated district. Added by act approved June 13, 1957.

Contracts of individual districts to be assumed by consolidated district.

§ 14.09. The consolidation of any district into a consolidated district shall not affect the obligation of any contract entered into by the district consolidated into the consolidated district. Such contracts shall be taken over and assumed by the consolidated district. Added by act approved June 13, 1957.

Consolidation not to interfere with tax collection.

§ 14.10. Consolidation not to interfere with tax collection.

The consolidation of the districts shall not adversely affect proceedings for the collection or enforcement of any tax but the said proceedings shall proceed to a finality as though no consolidation had taken place. The proceeds thereof shall be paid over to the treasurer of the consolidated district, to be used, however, for the purpose for which the tax was levied or assessed. Proceedings to collect and enforce such taxes may be instituted and carried on in the name of the consolidated district. Added by act approved June 13, 1957.

Suits pending in any court to be prosecuted by consolidated district—Outstanding judgments to be enforced.

§ 14.11. All suits pending in any court on behalf of or against any district, when the district is consolidated into a consolidated district, may be prosecuted or defended in the name of the consolidated district. All judgments obtained for any district consolidated into a consolidated district shall be collected and enforced by the consolidated district for its benefit. Added by act approved June 13, 1957.

Property of individual districts—Transfer.

§ 14.12. The title to all property of a district consolidated into a consolidated district is transferred to the consolidated district and is vested therein, to be held, however, for the same purposes and uses, and subject to the same conditions as be-

fore consolidation. Added by act approved June 13, 1957.

**Employees of individual districts—
Transfer.**

§ 14.13. All firemen lawfully in the employment of any district consolidated into a consolidated district shall become members of the fire department of the consolidated district. Added by act approved June 13, 1957.

**Disconnection of territory from district—
Petition—Hearing—Notice.**

§ 15. Whenever any property within a fire protection district, organized under the provisions of this Act, does not have the territorial qualifications described in Section 1 of this Act, or is not reasonably protected by the district from the hazards of fire or would receive greater benefit of service from another such district or other municipal corporation, any legal voter within such district or the owner or owners of such property may detach and disconnect such property from such fire protection district at any time before such district has incurred any bonded indebtedness in the following manner:

The owner or owners of such property within such fire protection district or any legal voter within such district may file his petition in the court in which such district was organized setting forth therein the description of the property sought to be detached and disconnected, a statement that the detachment and disconnection will not cause the territory remaining in the district to be noncontiguous; and that the loss of assessed valuation by reason of the disconnection of such territory will not impair the ability of the district to render fully adequate fire protection service to the territory remaining with the district; and alleging facts in support of such detachment and disconnection, and praying that such property be detached and disconnected from such fire protection district. The petition shall be signed and sworn to by the petitioner or petitioners. Upon the filing of such petition, the court shall set the same for hearing on a day not less than 2 weeks nor more than 4 weeks

from the filing thereof and shall give 2 weeks notice of such hearing in the manner provided in Section 1 of this Act. All property owners in such district, the district from which such transfer of territory is to be made, and all persons interested therein may file objections, and at the hearing may appear and contest the detachment and disconnection of the property from such fire protection district, and both objectors and petitioners may offer any competent evidence in regard thereto. If the court, upon hearing such petition, finds that the petition complies with the provisions of this Act and that the allegations of the petition are true the court shall enter an order and decree detaching and disconnecting such property from such district, and thereupon such property shall cease to be a part of such fire protection district. The circuit clerk shall transmit a certified copy of the order to the circuit clerk of each county in which any of territory affected is situated and to the Department of Public Safety. As amended by act approved September 7, 1967.

Disconnected territory added to another district—Procedure.

§ 16. Territory included within the limits of any fire protection district may be disconnected from the district and added to another district to which the territory is contiguous, in the manner hereinafter set forth; (1) if the territory would receive equal or greater benefits from the district to which it seeks to be transferred; (2) if the transfer will not cause the territory remaining in the district from which the transfer is to be made, to be noncontiguous; (3) if the transfer will not cause a serious injury to the district from which the transfer is to be made; (4) if there is no outstanding bonded indebtedness against the latter district which has been incurred pursuant to the provisions of this Act; and (5) if the trustees of the district to which the transfer is sought to be made do not file a written refusal to accept the territory within the time hereinafter provided.

One per cent or more of the legal voters

residing within the limits of the territory proposed to be transferred may file a petition, in the court of the county where the district to which it seeks to be transferred is organized, setting forth: the description of the territory sought to be transferred; that the territory would receive equal or greater benefits by the transfer; that the transfer will not cause a serious injury to the district or districts from which the transfer is proposed to be made; and that there is no outstanding bonded indebtedness against the district or districts in which the territory is then situated which has been incurred pursuant to this Act; and praying that the question whether the transfer shall be made, and whether the voters of such territory shall assume a proportionate share of the bonded indebtedness, if any, of the district to which the transfer is to be made, be submitted to the voters of the territory sought to be transferred.

Upon the filing of the petition, the court shall set a day for hearing, not less than two weeks nor more than four weeks from the filing thereof, and the court, or the circuit clerk or sheriff upon order of the court, shall give two weeks notice of such hearing in one or more daily or weekly newspapers of general circulation in the county or in each county wherein the district or districts from which the territory sought to be transferred is organized and by posting at least ten copies of the notice in conspicuous places in the district or in each of the districts from which the territory is sought to be transferred, and in addition shall cause a copy of the notice to be personally served upon each of the trustees of the district to which the transfer is sought to be made at least one week before the date set for the hearing, and in the notice, or in any accompanying notice to be served upon the Trustees at the same time, a recital shall be made stating that the Trustees may at any time prior to the date of the hearing, or within such additional time as may be granted by the court upon request in writing filed on or before such date, file a written refusal to accept the territory as a part of their district, provided, that such notifica-

tion need not be given to the trustees if they file in the proceeding their written appearances or written consent to a transfer of the territory to their district.

At any time prior to the date set for the hearing, or within such additional time as may be granted by the court, the trustees of the district to which the transfer is sought to be made may file a written refusal to accept the territory as a part of their district and in case of such refusal the court shall enter an order dismissing the petition for the transfer, provided, however, that the trustees may withdraw their refusal at any time prior to the entry of an order dismissing the petition. In case the trustees fail to file a written refusal within the time hereinbefore authorized, they shall be deemed to have consented to a transfer of the territory to their district, and consent once given may not be withdrawn without leave of court for good cause shown. In case of such consent, the court shall proceed with the matter as herein provided but if the court finds that any of the conditions herein required for the making of a transfer do not exist it shall enter an order dismissing the petition. In taking any action upon the petition the findings of the court shall be spread at length upon its records.

All property owners in the district from which the transfer is sought and all persons interested therein, may file objections, and at the hearing may appear and contest the transfer and the matters averred in the petition, and both objectors and petitioners may offer any competent evidence in regard thereto. In addition, all persons residing in or interested in any of the property situated in the territory sought to be transferred shall have an opportunity to be heard touching the location and boundary of the territory to be voted upon for such transfer, and may make suggestions regarding the same.

If the court shall, upon hearing the petition, find that the territory described in the petition would receive equal or greater benefits by being so transferred and meet the conditions hereinbefore set forth, it

shall cause the question of whether the territory shall be transferred to be submitted at an election in such territory to be conducted and carried out in the manner described in Section 1, as nearly as may be. The ballots at any such election shall be in substantially the following form:

For making the transfer from the Fire Protection District to the Fire Protection District and assuming a proportionate share of the bonded indebtedness, if any, of the latter district.	
Against making the transfer from the Fire Protection District to the Fire Protection District and assuming a proportionate share of the bonded indebtedness, if any, of the latter district.	

If a majority of the votes cast at an election upon the question of making the transfer shall be in favor of the transfer, the territory shall thenceforth cease to be a part of the fire protection district or districts to which it has been attached and shall become an integral part of the fire protection district to which the transfer shall have been sought and shall be subject to all the enjoyments and responsibilities of the latter district. In each case in which a transfer is effected pursuant to the provisions hereof, the circuit clerk in whose court the transfer proceedings have been conducted, shall certify copies of all orders entered in effecting such transfer and file or send them to the proper circuit clerk or clerks for filing and to the Department of Public Safety. As amended by act approved September 7, 1967.

Disconnection of territory and addition to adjacent district.

§ 16a. The owner or owners of record of any area of land consisting of one or more tracts, lying within the corporate

limits of any fire protection district, which (1) is located on the border of the fire protection district; (2) if disconnected will not result in the isolation of any part of the fire protection district from the remainder of the district; and (3) is adjacent to another fire protection district may, with the consent of the boards of trustees of the disconnecting and annexing district, have such area disconnected from the district and added to the adjacent district as follows:

The owner or owners of record of any such area of land shall file a petition in the court in which the fire protection district from which disconnection is sought was organized, alleging facts showing that such area meets the requirements of this Section. If the court finds that the allegations of the petition are true, that the area of land meets the requirements of this Section, and that the boards of trustees of the disconnecting and annexing districts consent to the transfer of such area, the court shall order the specified land disconnected from the one district and transferred to the other, and such land shall thenceforth cease to be a part of the fire protection district of which it was a part and shall become an integral part of the fire protection district to which transfer was sought and shall be subject to all the enjoyments and responsibilities of the latter district. In each case in which a transfer is effected under this Section, the circuit clerk in whose court the transfer proceedings were conducted shall certify copies of the transfer order and file or send them to the proper circuit clerk or clerks for filing and to the Department of Public Safety. As amended by act approved September 7, 1967.

Appeals.

Appeals from final orders and judgments may be taken from the circuit court as in other civil cases. As amended by act approved August 24, 1965.

Disconnection from district and organization in a new fire protection district—Procedure.] § 16c. Territory included within the limits of any fire protection district may

be disconnected from the district and organized in a new fire protection district in the manner hereinafter set forth (1) if the territory would receive equal or greater benefits from the district into which it seeks to be organized; (2) if the disconnection will not cause the territory remaining in the district from which the territory is to be disconnected, to be noncontiguous; (3) if the trustees of the district from which the territory is to be disconnected consent thereto; (4) if the territory to be disconnected meets the requirements for organization as provided in section 1 of this Act. One per cent (1%) or more of the legal voters residing within the limits of the territory proposed to be disconnected and organized in a new district may file a petition in the circuit court of the county where such territory is located setting forth: (1) the description of the territory sought to be disconnected and organized in a new district; (2) facts disclosing that the territory described meets the requirements for organization of a new district as provided in section 1 of this Act; (3) that the territory would receive equal or greater benefits from the district in which it seeks to be organized; (4) that the disconnection will not cause the territory remaining in the district from which the territory is to be disconnected, to be noncontiguous nor impair such district from rendering fire protection service to the territory remaining in said district; (5) that the trustees of the district from which the territory is to be disconnected consent thereto (a certified copy of a resolution of said trustees evidencing their consent to such disconnection and adopted not more than ninety (90) days prior to the filing of the petition shall be attached to and made a part of said petition; (6) the name of the proposed district; and requesting that the question of whether the territory shall be disconnected from the district in which it is presently situated and organized in a new district be submitted to the voters of the territory sought to be disconnected.

Upon the filing of the petition, the court shall set a date for hearing not less than 2 weeks, nor more than 4 weeks from the filing thereof, and the court, or the clerk of the

court, upon order of the court, shall give 2 weeks' notice of such hearing in one or more newspapers, either daily or weekly, of general circulation in the district from which the territory is sought to be disconnected and in the territory sought to be disconnected, and by posting at least 10 copies of the notice in conspicuous places in the district, and at least 10 copies of the notice in conspicuous places in the territory which is sought to be disconnected therefrom, and, in addition, shall cause a copy of the notice to be personally served upon each of the trustees of the district from which the territory is sought to be disconnected.

At any time prior to the date set for the hearing or within such additional time as may be granted by the court, the trustees of the district from which disconnection is sought may file a revocation of their consent to the proposed disconnection and in case of such revocation of consent, the court shall enter an order dismissing the petition for disconnection; provided, however, that the trustees may withdraw their revocation or give their new consent to the disconnection of the territory at any time prior to the entry of an order dismissing the petition. In case no revocation of consent is filed, the court shall proceed with the matter as herein provided, but if the court finds that any of the conditions herein required for the disconnection and organization do not exist, it shall enter an order dismissing the petition.

At the hearing any person residing in or having an interest in any of the property sought to be disconnected may appear and be heard and both objectors and petitioners may offer any competent evidence as to the matters averred in the petition.

If the court shall, upon hearing the petition, find that the territory described therein meets all of the conditions hereinbefore set forth and complies with the provisions of this section, it shall cause the question of whether the territory shall be disconnected from the district in which it is presently located and organized in a new fire protection district to be submitted at an election in such territory to be conducted and carried out in the manner described in Section 1 as

nearly as may be. The ballots at any such election shall be in substantially the following form:

For disconnecting from the _____ fire protection district and organizing the _____ fire protection district and retaining a proportionate share of the bonded indebtedness, if any, of the former district.	
Against disconnecting from the _____ fire protection district and organizing the _____ fire protection district and retaining a proportionate share of the bonded indebtedness, if any, of the former district.	

If a majority of the votes cast at the election upon the question of disconnecting the territory and organizing a new district shall be in favor of the disconnection and organization, the territory shall thenceforth cease to be a part of the fire protection district to which it was attached and shall become a new fire protection district, provided that the disconnected territory shall remain liable for its proportionate share of the bonded indebtedness outstanding as of the date of disconnection, if any, of the district from which it was disconnected. The court shall cause a statement of the results of such an election to be spread upon the records of the court and shall enter an order accordingly, and shall also cause to be sent to the county clerk of all counties in which any portion of the new district lies and to the Department of Public Safety a certified copy of the order organizing such district and a plat of the same indicating what lands of the district lie in such county or counties. The new district shall be organized and the trustees appointed in the same manner as provided in section 4, and such district and its trustees shall have like powers and

responsibilities as any new district organized under the provisions of this Act. Added by act approved July 7, 1967.

**Districts subject to Sections 37.01 to 37.18
—Board of Fire Commissioners.**

§ 16.01. Every fire protection district having a fire department of which all the members are full time, paid members shall be subject to Sections 16.01 to 16.18, inclusive. In every such fire protection district the board of trustees shall appoint a board of fire commissioners. This board shall consist of three members, whose terms of office shall be three years and until their respective successors are appointed and have qualified, except as provided in Section 16.02. As amended by act approved August 7, 1961.

Time for appointment and term of office.

§ 16.02. Within thirty days after Sections 16.01 to 16.18, inclusive, become effective in a fire protection district, the Board of Trustees shall appoint the first members of the board. One of the members shall be appointed to serve until the first Monday in June next following, another to serve until the first Monday of June of the second year after such appointment, and the third to serve until the first Monday in June of the third year following such appointment. But every member shall serve until his successor is appointed and has qualified. Added by act approved July 23, 1951.

**Eligibility of members of board—Oath
and bond—Removal.**

§ 16.03. Of the three members of the board, one shall be a representative citizen of the employee class, one shall be a representative citizen chosen from the employing class, and the other shall be a representative citizen not identified with either the employing or employee class and each shall possess the qualifications required of other officers of the fire protection district, shall take oath, or affirmation, of office, give bond, and shall be subject to removal from office, in the same manner as other appointive officers of the fire protection district. Added by act approved July 23, 1951.

Appointment of fire department personnel.

§ 16.04. The board of fire commissioners shall appoint all officers and members of the fire department of the fire protection district, including the chief of the fire department unless the board of trustees shall by ordinance as to them otherwise provide. All appointments to each department other than that of the lowest rank, however, shall be from the rank next below that to which the appointment is made, except that the chief of the fire department shall be appointed from among the members of the fire department, regardless of rank, unless the board of trustees shall have by ordinance as to them otherwise provided. Added by act approved July 23, 1951.

Rules—Making and distribution.

§ 16.05. The board shall make rules (1) to carry out the purpose of Sections 16.01 to 16.18 inclusive, and (2) for appointments and removals in accordance with the provisions of such sections. The board, from time to time, may make changes in these rules.

All these rules and changes therein shall be printed immediately for distribution. The board shall give notice (1) of the places where the printed rules may be obtained, and (2) of the date, not less than ten days subsequent to the time of publication, when the rules or changes therein shall go into operation. This notice shall be published in one or more newspapers published in the fire protection district, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the fire protection district. Added by act approved July 23, 1951.

Eligibility for positions in fire department —Examinations.

§ 16.06. All applicants for a position in the fire department of the fire protection district, shall be under 35 years of age and shall be subjected to examination, which shall be public, competitive, and free to all electors of the fire protection district, subject to reasonable limitations as to residence, health, habits, and moral charac-

ter; provided, that the foregoing age limitation shall not apply in the case of any person having previous employment status as a fireman in a regularly constituted fire department of any fire protection district, and further provided that each fireman or fire chief, who is a member in good standing in a regularly constituted fire department of any municipality which shall be or shall have subsequently been included within the boundaries of any fire protection district now or hereafter organized, shall be given a preference for original appointment in the same class, grade or employment over all other applicants. The examinations shall be practical in their character and shall relate to those matters which will fairly test the persons examined as to their relative capacity to discharge the duties of the positions to which they seek appointment. The examinations shall include tests of physical qualifications and health. No applicant, however, shall be examined concerning his political or religious opinions or affiliations. The examinations shall be conducted by the board of fire commissioners. Added by act approved July 23, 1951.

Additional credit in examination to former firemen.

§ 16.07. All persons who, when this amendatory Act takes effect, are, or have been, full-time paid officers or members of the fire department of such fire protection district or of a regularly constituted full-time paid fire department of any municipality which shall be or shall have subsequently been included within the boundaries of any fire protection district now or hereafter organized shall be given an additional credit in the examination provided for in Section 16.06 of two per cent (2%) (on the basis of 100%) for each twelve months or fraction thereof of such service in the department for which said person is being examined. Added by act approved July 23, 1951.

Preference or credit for military or naval service.

§ 16.08. Persons who were engaged in the military, or naval service of the United

States during the years 1914, 1915, 1916, 1917, 1918, 1919, or any time between September 16, 1940 and July 25, 1947, and who were honorably discharged therefrom, and all persons who were engaged in such military or naval service during any of said years, or any time between September 16, 1940 and July 25, 1947, who are now or may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court martial of disobedience of orders, where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, shall be preferred for appointments to office, positions, and places of employment in the fire department of the fire protection district, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, position or place of employment as determined by examination for original entrance. The board of fire commissioners shall give preference for original appointment to persons as hereinabove designated whose names appear on any register of eligibles resulting from an examination for original entrance in the classified service of the Fire Department of the fire protection district by adding to the final grade average which they received or will receive as the result of any examination held for original entrance, five points. The numerical result thus attained shall be applied by the board of fire commissioners in determining the position of such persons on any eligible list which has been created as the result of any examination for original entrance for purposes of preference in certification and appointment from such eligible list.

Every member of the classified service of the fire protection district who was called to, or who volunteered for the military or naval service of the United States at any time during the years hereinbefore specified or at any time between September 16, 1940, and July 27, 1947, and who were honorably discharged therefrom, who are now or who may hereafter be on inactive or reserve

duty in such military or naval service, not including, however, persons who were convicted by court-martial of disobedience of orders where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war, and whose names appear on existing promotional eligible registers or any promotional eligible register that may hereafter be created as provided for by this Act shall be preferred for promotional appointments to civil offices, positions, and places of employment in the classified service of the Fire Department of the fire protection district.

The board of fire commissioners shall give preference for promotional appointment to persons as hereinabove designated whose names appear on existing promotional eligible registers or promotional eligible registers that may hereafter be created by adding to the final grade average which they will receive as a result of any promotional examination seven-tenths of one-point for each 6 months or fraction thereof of military or naval service not exceeding 30 months. The numerical result thus attained shall be applied by the board of fire commissioners, in determining the position of such persons on any eligible list which has been created or will be created as the result of any promotional examination held hereunder for purposes of preference in certification and appointment from such eligible list.

No person shall receive the preference for a promotional appointment granted by this Section after he has received one promotion from an eligible list on which he was allowed such preference.

No person entitled to preference or credit for military or naval service hereunder shall be required to furnish evidence or record of honorable discharge from the armed forces before any examination held under the provisions of this Act but such preference shall be given after the posting or publication of the eligible list or register and before any certification or appointments are made from the eligible register. Added by act approved July 23, 1951.

Notice of examinations.

§ 16.09. Notice of the time and place of every examination shall be given by the board by a publication at least two weeks preceding the examination, in one or more newspapers published in the fire protection district, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the fire protection district. Added by act approved July 23, 1951.

Register of persons eligible.

§ 16.10. The board of fire commissioners shall prepare and keep a register of persons whose general average standing, upon examination, is not less than the minimum fixed by the rules of the board, and who are otherwise eligible. These persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. Added by act approved July 23, 1951.

Promotions.

§ 16.11. The board, by its rules, shall provide for promotion in the fire department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. All promotions shall be made from the three having the highest rating. The method of examination and the rules governing examinations for promotion shall be the same as provided for applicants for original appointment. Added by act approved July 23, 1951.

Work Week—General provisions.] § 16.11a. Subject to the exemptions enumerated in Section 16.11b, no person employed in the fire department of any fire protection district organized under this Act shall be required to remain on duty in his employment for periods of time which, in the aggregate in any month, amount to more than 56 hours

for each week in that month. Added by act approved July 31, 1967.

Work Week — Exemptions.] § 16.11b. The provisions of Section 16.11a do not apply:

(1) To the person in command of a fire protection district fire department;

(2) To employees of a fire protection district fire department who are employed subject to call; or

(3) To the members or employees of a fire protection district fire department, when required to remain on duty by the marshal or chief officer or any of his aides on account of a serious emergency caused by conflagration, riot, or other causes. Added by act approved July 31, 1967.

Temporary appointments.

§ 16.12. In order to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the fire department, the board may make temporary appointments, to remain in force until regular appointments may be made under the provisions of this Act, but never to exceed sixty days. Added by act approved July 23, 1951.

Removal or discharge of fire department personnel.

§ 16.13. No officer or member of the fire department of the fire protection district who has held that position for more than one year prior to the date Sections 16.01 to 16.18, inclusive, become effective in that fire protection district, or who has been appointed under the rules and examination provided for by such sections shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. These charges shall be investigated by the board of fire commissioners, and in case an officer or member is found guilty, the board may remove or discharge him, or may suspend him not exceeding ten days without pay. The board may suspend any officer or member of a department pending this investigation, but not to exceed thirty days at any one time. In the conduct of this investiga-

tion, each member of the board shall have power to administer oaths and affirmations, and the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the investigation.

All officers and members of the fire department of any fire protection district holding their positions by virtue of one of the methods specified in paragraph one of this section, are entitled to the protection afforded by Sections 16.01 to 16.18 inclusive.

The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the board of Fire Commissioners hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act". Added by act approved July 23, 1951.

Annual report of board of fire commissioners.

§ 16.14. Annually, at any time the corporate authorities may provide, the board of fire commissioners shall submit to the board of trustees a report of its activities, and of the rules in force and the practical effect thereof. In this report the board of fire commissioners may make suggestions which it believes would result in greater efficiency in the fire department. Added by act approved July 23, 1951.

Secretary of board.

§ 16.15. The board may employ a secretary, or may designate one of its own members to act as secretary. The secretary (1) shall keep the minutes of the board's proceedings, (2) shall be the custodian of all papers pertaining to the business of the board, (3) shall keep a record of all examinations held, and (4) shall perform all other duties the board prescribes. Added by act approved July 23, 1951.

Inelegibility of person holding lucrative office—Political affiliations.

§ 16.16. No person holding a lucrative office under the United States, this State, or a municipality or fire protection districts shall be a member of the board of fire commissioners. The acceptance of any such lucrative office by a member of the board shall be treated as a resignation of his office as a member of the board. Not more than two members of the board shall belong to the same political party. Added by act approved July 23, 1951.

Rooms for board of fire commissioners and for examinations.

§ 16.17. The board of trustees shall provide suitable rooms for the board of fire commissioners, and shall allow reasonable use of public buildings for holding examinations by the board. Added by act approved July 23, 1951.

Compensation of secretary and members of board of fire commissioners.

§ 16.18. The secretary shall be paid a reasonable compensation for his services, to be fixed by the board of trustees. The board of trustees shall also fix the compensation to be paid to the members of the board of fire commissioners, but until the board of trustees makes provision therefor, the members of the board of fire commissioners shall serve without compensation. Added by act approved July 23, 1951.

Partial invalidity.

§ 17. If any section, paragraph, clause or provision of this Act is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other sections, paragraphs, clauses or provisions of this Act. Added by act approved July 27, 1949.

Disconnection under certain conditions—Procedure.

§ 18. In any case where a fire protection district does not own or operate any fire fighting equipment and there are no bonds of such district outstanding and part of its territory shall be annexed to a

city, village or incorporated town, which municipality was at the time of such annexation obligated by contract to furnish fire protection to said district, and where the board of trustees of such district consents, such annexed territory shall be disconnected from the district as follows: Certified copy of resolution giving such consent and containing a description of the boundaries of the area so annexed, together with a certified copy of the annexation ordinance or other proof of annexation, shall be filed with the court of the county where the fire protection district was organized. The court shall then enter a disconnection order stating that said territory shall be disconnected from said fire protection district. The circuit clerk shall transmit a certified copy of the order to the circuit clerk of each county in which any of the disconnected territory is situated and to the Department of Public Safety.

The provisions of this Section shall not affect the right to proceed under any other Section of this Act for the disconnection of territory from a fire protection district. As amended by act approved September 7, 1967.

Discontinuance—Requisites—Petition—Hearing—Election—Ordinance.

§ 19. Territory may be disconnected from a fire protection district in the manner provided by this section but only (1) when the territory comprised of property of a majority of the property owners of the fire protection district has been annexed to a city, village or incorporated town, (2) when such annexing city, village or incorporated town has, prior to the filing of a petition to disconnect, agreed by ordinance to assume all the bonded indebtedness and other debts of the fire protection district and to provide fire protection service to the unannexed portion of the district, which service shall be at least the equivalent of the service being rendered by the fire protection district and has agreed to take over all property, assets and equipment of the fire protection district, and (3) at least one per cent of the electors of the

fire protection district petition for disconnection in the court in which such district originally petitioned for formation.

The petition shall set forth (1) the description of the fire protection district sought to be disconnected, (2) that the territory comprised of a majority of the property owners of the district has been annexed to a city, village or incorporated town, (3) that the annexing city, village or incorporated town has, prior to the filing of the petition, agreed by ordinance to assume all the bonded indebtedness and other debts of the district and to provide fire protection service to the unannexed portion of the district, which service shall be at least the equivalent of the service being rendered by the fire protection district and has agreed to take over all property, assets and equipment of the district, and (4) that at least one per cent of the electors of the district have signed the petition.

Upon the filing of the petition, the court shall set a day for hearing, not less than 2 weeks nor more than 4 weeks from the filing thereof, and the court, or the circuit clerk or sheriff upon order of the court, shall give a ten days notice of such hearing in one or more daily or weekly newspapers of general circulation in the county, or in each county wherein the district is organized and by posting at least 10 copies of the notice in conspicuous places in the district.

If the court finds that any of the conditions herein required for the disconnection do not exist it shall enter an order dismissing the petition. In taking any action upon the petition the findings of the court shall be spread at length upon its records. All property owners in the district and all persons interested therein, may file objections, and at the hearing may appear and contest the requested disconnection and the matters averred in the petition, and both objectors and petitioners may offer any competent evidence in regard thereto.

If the court finds, upon hearing the petition, that the petition meets the conditions hereinbefore set forth, it shall cause the question of whether the territory shall be disconnected to be submitted at an elec-

tion in such district to be conducted and carried out in the manner described in Section 1 of this Act, as nearly as may be. The ballot at any such election shall be in substantially the following form:

Shall the territory described as be disconnected from theFire Protection District.	YES	
	NO	

If a majority of the vote cast at the election upon the question shall be in favor of disconnection, the annexed territory shall be disconnected from the fire protection district and all debts and liabilities and property of the fire protection district shall be taken over by the annexing city, village or incorporated town. The annexing city, village or incorporated town shall enter into a written agreement with the fire protection district that said city, village or incorporated town shall provide fire protection service to the remaining portion of the fire protection district, which service shall be at least the equivalent of the service rendered by the said fire protection district. The fire protection district shall continue in existence and continue to levy and extend taxes upon the remaining portion of the district at the same rate as levied and extended in the year prior to the disconnection, excluding, however, the amount of taxes levied in the prior year for payment of a bonded indebtedness, which tax moneys, after deducting the necessary operating expenses of the fire protection district, shall be paid to the annexing municipalities as a consideration for the providing of the fire protection service. Elections under this section shall not be held more often than once every two years.

If the entire territory served by a fire protection district is annexed to a city, village or incorporated town providing fire protection as a municipal function, the said fire protection district shall cease to operate and be dissolved if the annexing municipality adopts an ordinance providing

that it will provide fire protection service to the entire area of the fire protection district, which service would be at least the equivalent of the service rendered by the fire protection district and would assume, take over and pay all outstanding bonded indebtedness and legal obligations of the fire protection district. In the event of the filing of such an ordinance the fire protection district shall then pass an ordinance dissolving the district and turn over to the annexing municipality at no cost all of the real and personal property owned by the fire protection district. The trustees of the fire protection district shall do and perform all acts necessary to transfer all of the property of the fire protection district to the municipality and the governing body of the municipality shall do and perform all acts necessary to assume and pay all of the bonded indebtedness and other obligations of the fire protection district. As amended by act approved September 7, 1967.

**Disconnection by operation of law—
Petition—Hearing.**

§20. Any territory within a fire protection district that is or has been annexed to a city, village or incorporated town that provides fire protection for property within such city, village or incorporated town is, by operation of law, disconnected from the fire protection district as of the January first after such territory is annexed to the city, village or incorporated town, or in case any such territory has been so annexed prior to the effective date of this amendatory Act of 1965, as of January 1, 1966. Such disconnection by operation of law does not occur if, within 60 days after such annexation or after the effective date of this amendatory Act of 1965, whichever is later, the fire protection district files with the appropriate court a petition alleging that such disconnection will cause the territory remaining in the district to be noncontiguous or that the loss of assessed valuation by reason of such disconnection will impair the ability of the district to render fully adequate fire protection service to the territory remaining with the district. When such a petition

is filed, the court shall set it for hearing, and further proceedings shall be held, as provided in Section 15 of this Act. At such hearing, the district has the burden of proving the truth of the allegations in its petition. If there are any general obligation bonds of the fire protection district outstanding and unpaid at the time such territory is disconnected from the fire protection district by operation of this Section, such territory shall remain liable for its proportionate share of such bonded indebtedness and the fire protection district may continue to levy and extend taxes upon the taxable property in such territory for the purpose of amortizing such bonds until such time as sufficient funds to retire such bonds have been collected. Added by Act approved May 13, 1965.

Discontinuance where municipality contains more than 50% of district's territory — Requisites — Petition — Hearing — Order for disconnection.

§ 21. The territory of a fire protection district within the limits of any city, village or incorporated town may be disconnected from the district in the manner hereinafter provided: (1) if more than 50% of the total territory of the fire protection district is within the limits of the same city, village or incorporated town filing the petition for disconnection; (2) if such municipality, prior to the filing of a petition to disconnect, assumes by ordinance all the bonded indebtedness and other debts of the fire protection district; and, (3) if such municipality, prior to the filing of such petition, assumes by ordinance the obligation of providing fire protection service to the remaining territory of the fire protection district equivalent to the service being rendered by such district.

The municipality containing more than 50% of the fire protection district's territory may file a petition for disconnection in the circuit court of the county where the district was organized, setting forth: the description of the territory sought to be disconnected; that such territory consists of more than 50% of the total terri-

tory of the fire protection district; and that the necessary municipal ordinances have been passed to assume the indebtedness of the fire protection district and the obligation of furnishing equivalent fire protection service for the remaining territory of such district.

Upon the filing of the petition, the court shall set a day for hearing, not less than 2 weeks nor more than 4 weeks from the date of filing thereof, and the court, or the clerk or sheriff upon order of the court, shall give a 10 day notice of such hearing in one or more daily or weekly newspapers of general circulation in the county, or in each county wherein the district is organized and by posting at least 10 copies of the notice in conspicuous places in the district. All property owners in the district and all persons interested therein, may file objections, and at the hearing may appear and contest the requested disconnection and the matters averred in the petition, and both objectors and petitioners may offer any competent evidence in regard thereto. If the court shall, upon hearing the petition, find that any of the conditions herein required for the disconnection do not exist, it shall enter an order dismissing the petition, but if the petition satisfies such conditions, it shall enter the appropriate order for disconnection. In taking any action upon the petition the findings of the court shall be spread at length upon its records.

The fire protection district shall continue in existence and continue to levy and extend taxes upon the remaining portion of the district at the same rate as levied and extended in the year prior to the disconnection, excluding, however, the amount of taxes levied in the prior year for payment of a bonded indebtedness, which tax moneys, after deducting the necessary operating expenses of the fire protection district, shall be paid to the municipality obligated to provide the fire protection service as a consideration for the providing of such service. The title to all property, assets and equipment of the district is transferred to such municipality and is vested therein, to be held, however, for the same purposes

and uses, and subject to the same conditions as before the transfer. Added by act approved August 2, 1965.

Organization of districts—Validation.

In all cases where proceedings were had to organize a fire protection district under "An Act in relation to fire protection districts", approved July 8, 1927, as amended, and the court having jurisdiction of such proceedings ordered an election to submit to the legal voters of the proposed fire protection district the question of organization and establishment of the proposed fire protection district, and an election was held throughout the territory of the proposed district as described in the court proceedings and the order of the court, and at such election a majority of the votes cast upon the question within the limits of each city, village or incorporated town in the territory of the proposed district and also a majority of the votes cast outside the limits of each such city, village or incorporated town were in favor of the proposed fire protection district, and the court entered an order declaring such fire protection district organized, such territory is hereby declared to be legally and validly organized as a fire protection district under such Act, despite any defect in the published notice of election with respect to the description of the territory included in the proposed district, provided the election was in fact held throughout the territory of the proposed district.

An Act in relation to the tort liability of firemen of fire protection districts or corporations. Approved August 4, 1951.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Liability of firemen for injuries to person or property.

§ 1. In case any injury to the person or property of another is caused by the negligent operation of any motorized fire fighting equipment by a compensated fireman or authorized volunteer fireman of a fire protection district or incorporated fire protec-

tion organization while he is engaged in the performance of his duties as fireman, and without contributory negligence of the injured person or the owner of the injured property or the agent or servant of the injured person or owner, the fire protection district or incorporated fire protection organization in whose behalf the fireman is performing his duties shall be liable for that injury. In no case shall such a fireman be liable in damages for any injury to the person or property of another caused by him while operating any motorized fire fighting equipment while engaged in the performance of his duties as a fireman, unless such injury results from his wilful and wanton misconduct.

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[1964]

ILLINOIS
FIRE PREVENTION
AND
SAFETY LAWS

STATE OF ILLINOIS
OTTO KERNER
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DEPARTMENT OF PUBLIC SAFETY
JOSEPH E. RAGEN, Director

DIVISION OF FIRE PREVENTION
WILLIAM J. COWHEY, Fire Marshal

SPRINGFIELD



(92677—5-64)

(Printed by Authority of the State of Illinois)

ILLINOIS FIRE PREVENTION STATUTE

AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. Approved June 15, 1909; title as amended by Act approved June 24, 1921.

§§ 1-5. Repealed by Act filed July 13, 1939.

Investigation and Record of Fires— Notice to Department of Public Safety.]

§6. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the fire chief of every legally organized fire protection district or the chief of the fire department of every municipality which furnishes fire protection service under contract to any such fire protection district, and the township clerk of every organized township without the limits of any organized city or village or fire protection district, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town, fire protection district or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns, fire protection districts or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause

and origin of the fire, and such other information as may be called for by the blanks provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved July 24, 1943.

Further Investigation—Arrest—Prosecution.] § 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case. As amended by act approved July 24, 1943.

Powers of Department of Public Safety—Examination of Witnesses—Refusal to Testify—Perjury—Private Investigations.] § 8. The Department of

Public Safety shall have power in any county in the State of Illinois to summon and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. Said Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before said Department to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of said Department to make complaint against said person or persons so refusing to comply with the summons or order of said department, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or prem-

ises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of said Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended by act approved June 30, 1941.

Duty of Owner or Occupant as to Fire Hazards—Rules and Regulations—Inspection of Premises—Notice to Remedy Defective Condition.] No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endanger the safety of said buildings or premises.

The Department of Public Safety shall adopt and promulgate such reasonable rules as may be necessary to protect the public from the dangers specified in the preceding paragraph. Such rules shall require the installation of necessary fire detection, alarm and protection devices in all public or private buildings which are used or available for use for the housing or assembling of more than 50 persons simultaneously.

A copy of any rule, certified by the Director of Public Safety, shall be received

in evidence in all courts of this State with the same effect as the original.

All local officers charged with the duty of investigating fires shall enforce such rules, under the direction of the Department of Public Safety, except in those localities which have adopted fire prevention and safety standards comparable to such rules.

The Department of Public Safety, and the officers of cities, villages, towns and fire protection districts by this Act charged with the duty of investigating fire, shall, under the direction of the Department of Public Safety, inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such dangerous condition or fire hazard is found to exist contrary to the rules herein referred to, or if a dangerous condition or fire hazard is found to exist as specified in the first paragraph of this Section, and the rules herein referred to are not applicable to such dangerous condition or fire hazard, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon the owner, occupant or other interested person shall be in person or by registered or certified mail. As amended by act approved July 15, 1959.

Order for Repairs—Appeal.] § 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to

comply with such order. As amended by act approved June 30, 1941.

Appeal from Order to County Court.]

§ 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. Added by act filed July 28, 1941.

Procedure for Appeal — Supersedeas.

§ 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the county court and summons shall thereupon be issued by the clerk and shall be served upon the Director of the Department of Public Safety. Upon filing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the County Court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the said department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended by act approved June 30, 1941.

Failure to File Appeal, Waiver. 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against whom the order was entered shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure

to comply with the order. As amended by act approved June 30, 1941.

Penalty for Failure to Comply with Order — Concurrent Jurisdiction.]

§ 9e. Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than \$10, nor more than \$50, and in the event of a continuance of such wilful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d, and 9e shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection, fire limits, fire prevention, or safety standards, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended by Act approved June 16, 1953.

Penalty for Violation by Officer.]

§ 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941.)

Tax on Fire Insurance Companies —Disposition of Fund.]

§ 12. For the purpose of maintaining the Division of Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of

Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire, sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received for the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such

office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the State. As amended by act approved June 30, 1941.

Penalty for Violation of Section 12—Revocation of License.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act, shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved June 30, 1941.

§§ 14, 15. Repealed by act filed July 13, 1939.

Compensation for Reporting Fires.] § 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for each report made in accordance with the provisions of section 6 of this Act, the sum of fifty cents. All other persons charged herein with the duty of making

reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the Department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941.

INN-KEEPERS

SAFETY APPLIANCES IN HOTELS, ETC.

AN ACT relating to fire escapes in hotels, inns and public lodging houses, and providing that such building shall be equipped with appliances for the safety of guests in case of fire and providing penalties for the violation of the provisions thereof, and repealing all acts or parts of acts in conflict therewith. Approved June 26, 1913.

To What Buildings Act Applies.] § 1
Be it enacted by the People of the State of Illinois, represented in the General Assembly: Every building or structure kept, used or maintained as an inn, hotel or public lodging house, or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which ten (10) or more rooms are used for the accommodation of such guests, shall for the purpose of this act, be defined to be a hotel, and licensed as such, and whenever the word hotel shall occur in this act it shall be construed to mean every such structure as is described in this section.

Outside Fire Escapes—Openings to Landings—Way of Egress.] § 2. Every hotel that is three or more stories high shall be provided with an iron stairway fire escape, well fastened and secured on the outside of the building, connected on each floor above the first with at least one opening, with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than two feet wide and with steps of not less than six inches tread, placed at an angle of not more than forty-five degrees and protected by a well-secured hand rail on both sides and reaching to within eight feet of the ground, or provided with a counter-balance that will reach the ground. Such fire escapes shall be sufficient if a perpendicular iron ladder shall be used instead of the stairs, provided such iron ladder is placed at the extreme outside of the platform and at least three feet away from the wall of (the) building, and provided said ladder is equipped with round iron rounds not more than fifteen inches apart. The way of egress to such fire escapes shall at all times be kept free and clear of all obstructions of any and every nature.

Ropes in Upper Bedrooms—Automatic Rope Fire Escapes—Exceptions.] § 3. Any person, persons or corporations, keeping, maintaining, controlling or managing any building or structure kept, used or maintained as an inn, hotel, public lodging house, or place where sleeping accommodations are furnished to the public, whether with or without meals, shall supply and shall keep at all times, and in plain sight, and securely attached therein and thereto, in every bedroom or sleeping apartment, on second floor, and above the second floor, a manila rope, not less than five-eighths of an inch in diameter with knots not more than fifteen inches apart, and of sufficient strength to sustain a

weight and strain of at least five hundred pounds, and of sufficient length to reach the ground. Upon failure to supply such ropes such person, persons or corporations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars: Provided, however, that nothing in this section will be construed to prevent the use of any automatic rope fire escape, in place of the knotted rope: Provided, further, that the provisions of this act relating to outside fire escapes and ropes or automatic appliances, shall not apply to hotels of fire-proof construction.

Notices Posted.] § 4. In every such hotel there shall be posted and maintained notices, printed in black ink on white paper or cardboard, with type not less than four inches in height, at the entrance to each hall, stairway and elevator shaft, and in each bedroom or sleeping apartment above the ground floor, giving directions how to reach the fire escapes, and there shall be posted and maintained in each bedroom or sleeping apartment above the ground floor, except in hotels which are of approved fire-proof construction, notices printed in type, not less than one-half an inch in height, calling attention to the rope therein, and giving directions how to use it.

Elevator Shaft Equipment—"Fire-proof Construction" Interpreted.] § 5. In every hotel, excepting hotels which are of approved fireproof construction, which is equipped with an elevator or elevators, that portion of the shaft or shafts thereof which extends below the level of the first floor, shall be enclosed with an iron or steel sheeting or other fireproof material as nearly air tight as practicable, with tight doors to the shaftway, the door to be made, as far as practicable, of wire glass, or in lieu of such construction such elevators shall be provided

with an automatic floor trap at the first floor in each elevator shaft; each or either of such appliances shall be constructed in the most approved manner for the prevention of spread of fire by means of such elevator shaft.

The owner or owners of any hotel not of fire-proof construction falsely advertising said building to be of fireproof construction, shall in the event of fire and loss of life or injuries to the person of any guest or guests by reason thereof be liable for damages for such loss of life or injuries to the person. The words "fireproof construction" shall be interpreted to mean that the building is constructed either of re-inforced concrete, steel with tile covering, or heavy fire walls with steel girders, and that no joists, girders, beams or supports are of wood. The doors, window frames and sashes may be constructed of wood.

Inside Court Equipment — Chemical Extinguishers and Fire Axes.] § 6. The owner, proprietor, manager or person in charge of every hotel, except in hotels which are of approved fireproof construction, now or hereafter constructed with an inside court or light well and with the sleeping rooms or sleeping apartments the only windows of which open upon or into such court or light well, unless the said court or light well extends to the ground floor, shall cause the roof or covering to such court or light well to be supplied with a trap door or other opening, and be provided with a rope or other ladder of sufficient length to reach from such door or opening to the ground floor and to the roof, of said hotel building, said rope or ladder to be so placed as to be of easy access from every window opening on said court or light well, and of sufficient strength to sustain a weight or strain of at least five hundred pounds, so as to enable those escaping in case of fire to such court or light well to reach the ground floor. That there shall be on each floor chemical fire

extinguishers and fire axes located conveniently near to exits to fire escapes.

Penalty for Violations.] § 7. Any owner, lessee or occupant, proprietor, manager, or person in charge of any hotel building who shall fail to place, or cause to be placed upon such building, such fire escape or escapes as are required by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and shall stand committed to the county jail until such fine is paid, and shall be subject to the further fine of fifty dollars for each additional week of neglect and failure to comply with this act.

Enforcement of Act.] § 7a. The Department of Public Safety shall have power to enforce the provisions of this Act. As amended by act approved June 30, 1941.

Prosecutions by State's Attorney.] § 8. For the purpose of carrying into effect the provisions of this act, it shall be the duty of the State's Attorney of the several counties, upon complaint being made, to prosecute all persons violating any of the provisions hereof.

(Sec. 9. Repeal.)

FIRE ESCAPES

AN ACT relating to fire escapes. Approved June 28, 1919.

Fire Escapes on Certain Buildings Within Six Months.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That within six (6) months after the passage of this Act, all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair or other approved fire escapes attached to the outer walls thereof and extending from, or suitably near the ground, to the upper-most story thereof, and provided with platforms of such forms and dimensions, and in such proximity to one or more hinged windows or doors of each story above the first, as to render access to such ladder or stairs from each such story easy and safe: Provided, however, that all buildings more than two stories in height, used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire escape for every fifty (50) persons for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls, which provide seating room above the first or ground story, shall be provided with such numbers of said ladder or stair or other approved fire escapes as the officers herein named may direct.

Buildings Hereafter Erected.] § 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this Act, which shall be hereafter erected within this State, shall upon or before their completion each be provided with fire escapes of the kind and number, and in the manner set forth in said section one (1) of this Act.

To Place on Buildings After Notice.] § 3. The notice to provide fire escapes shall be in writing and shall be served on the owner, trustees, lessee or occupant of any building not provided with fire escapes in accordance with the provisions of this Act, commanding such owner or owners, trustees, lessee or occupant, or either of them, to place or cause to be placed upon such building or buildings, such fire escape or escapes, within thirty (30) days after the service of such notice.

Penalty.] § 4. Any such owner or owners, trustees, lessee or occupant, or either of them, so served with notice as aforesaid, who shall not within thirty (30) days after the service of such notice, upon him or them, place or cause to be placed such fire escape or escapes upon such buildings as required by this Act and the terms of such notice, shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), and to a further fine of fifty dollars (\$50) for each additional week of neglect to comply with such notice.

Disposition of Fines.] § 5. All the money or moneys collected as fines under and by virtue of this Act, shall be paid into or placed to the credit of the common school fund of the counties in which they are collected.

Inspection of Buildings.] § 6. Any person may at any time make complaint in writing to the authorities whose duty it is hereunder to enforce this law, that such escape or escapes are needed or are unsafe or insufficient, and it shall be the duty of such authorities to inspect such building or buildings, and escape or escapes, and cause notice to be served on the owner or owners, trustees, lessee or occupant, as provided in section three (3) of this Act, and such owner or owners, trustees, lessee or occupant shall immediately take steps to overcome the cause of complaint.

Enforcement of Act.] § 7. The Department of Public Safety shall have power to enforce the provisions of this Act and to require by written notice, either upon complaint by any person or without complaint, any owner or owners, trustees, lessee or occupant of buildings to place fire escapes upon same within thirty (30) days, in accordance with this Act. Provided, however, the provisions of this Act shall not apply to cities, villages and towns within the State of Illinois that have passed and adopted or may by their proper legislative authority pass or adopt ordinances, by-laws or resolutions governing the kind, number, location, material and construction of fire escapes to be required on buildings within the corporate limits of such cities, villages and towns. As amended by act approved June 30, 1941.

PUBLIC BUILDINGS

DOORS TO OPEN OUTWARD

AN ACT to regulate the means of egress from public buildings. Approved March 28, 1874.

Doors to Open Outward.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches, school houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that said doors

shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building.

Penalty.] § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000.

When Public Buildings May Be Closed.] § 3. The Department of Public Safety shall have power to enforce the provisions of this Act and in all cities and towns having a population of two thousand inhabitants and upwards, the Department of Public Safety and the mayor, or other corporate authorities of said town or city, shall be empowered and they are hereby authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this Act. As amended by act approved June 30, 1941.



ILLINOIS

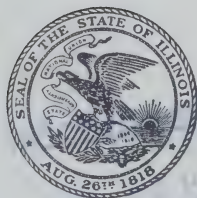
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ILLINOIS
FIRE PREVENTION
AND
SAFETY LAWS

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor



DEPARTMENT OF PUBLIC SAFETY
JOSEPH D. BIBB, Director

DIVISION OF FIRE PREVENTION
JOHN J. TWOMEY, Fire Marshal

SPRINGFIELD



(64438—10-57)

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ILLINOIS FIRE PREVENTION STATUTE

AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. Approved June 15, 1909; title as amended by Act approved June 24, 1921.

§§ 1-5. Repealed by Act filed July 13, 1939.

Investigation and Record of Fires— Notice to Department of Public Safety.]

§6. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the fire chief of every legally organized fire protection district or the chief of the fire department of every municipality which furnishes fire protection service under contract to any such fire protection district, and the township clerk of every organized township without the limits of any organized city or village or fire protection district, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town, fire protection district or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns, fire protection districts or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause

and origin of the fire, and such other information as may be called for by the blanks provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved July 24, 1943.

Further Investigation—Testimony—Arrest — Prosecution.] § 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case. As amended by act approved July 24, 1943.

Powers of Department of Public Safety—Examination of Witnesses—Refusal to Testify—Perjury—Private Investigation.] § 8. The Department of

Public Safety shall have power in any county in the State of Illinois to summon and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. Said Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before said Department to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of said Department to make complaint against said person or persons so refusing to comply with the summons or order of said department, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or prem-

ises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the said Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended by act approved June 30, 1941.

Duty of Owner or Occupant as to Fire Hazards—Rules and Regulations—Inspection of Premises—Notice to Remedy Condition.] § 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endanger the safety of said buildings or premises.

The Department of Public Safety shall adopt and promulgate such reasonable rules as may be necessary to protect the public from the dangers specified in the preceding paragraph. Such rules shall require the installation of necessary fire detection, alarm and protection devices in all public or private buildings which are used or available for use for the housing or assembling of more than 50 persons simultaneously.

A copy of any rule, certified by the Director of Public Safety, shall be received

in evidence in all courts of this State with the same effect as the original.

All local officers charged with the duty of investigating fires shall enforce such rules, under the direction of the Department of Public Safety, except in those localities which have adopted fire prevention and safety standards comparable to such rules.

The Department of Public Safety, and the officers of cities, villages, towns and fire protection districts by this Act charged with the duty of investigating fire, shall, under the direction of the Department of Public Safety, except in those localities which have adopted fire prevention and safety standards comparable to such rules.

The Department of Public Safety, and the officers of cities, villages, towns and fire protection districts by this Act charged with the duty of investigating fire, shall, under the direction of the Department of Public Safety, inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such dangerous condition or fire hazard is found to exist as specified in the first paragraph of this Section, and the rules herein referred to are not applicable to such dangerous condition or fire hazard, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon the owner, occupant or other interested person shall be in person or by registered or certified* mail. As amended by Act approved July 10, 1957. *As amended by Act approved July 8, 1957.

Order for Repairs—Appeal.] § 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the

Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. As amended by act approved June 30, 1941.

Appeal from Order to County Court.]

§ 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. Added by act filed July 28, 1941.

Precedure for Appeal—Supersedeas.]

§ 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the county court and summons shall thereupon be issued by the clerk and shall be served on the Director of the Department of Public Safety. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the county court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the said department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended by act approved June 30, 1941.

Failure to File Appeal, Waiver.]

§ 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against

whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. As amended by act approved June 30, 1941.

Penalty for Failure to Comply with Order — Concurrent Jurisdiction.]

§ 9e. Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than \$10, nor more than \$50, and in the event of a continuance of such wilful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d, and 9e shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection, fire limits, fire prevention, or safety standards, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended by Act approved June 16, 1953.

Penalty for Violation by Officer.]

§ 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941.

Tax on Fire Insurance Companies —Disposition of Fund.] § 12. For the purpose of maintaining the Division of

Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire, sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received from the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining un-

expended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the State. As amended by act approved June 30, 1941.

Penalty for Violation of Section 12—Revocation of License.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act, shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Director of the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved July 30, 1941.

§§ 14, 15. Repealed by act filed July 13, 1939.

Compensation for Reporting Fires.]
§ 16. Chiefs of fire departments and

mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for such report made in accordance with the provisions of section 6 of this Act, the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941.

INN-KEEPERS

SAFETY APPLIANCES IN HOTELS, ETC.

AN ACT relating to fire escapes in hotels, inns and public lodging houses, and providing that such building shall be equipped with appliances for the safety of guests in case of fire and providing penalties for the violation of the provisions thereof, and repealing all acts or parts of acts in conflict therewith. Approved June 26, 1913.

To What Buildings Act Applies.] § 1
Be it enacted by the People of the State of Illinois, represented in the General Assembly: Every building or structure kept, used or maintained as an inn, hotel or public lodging house, or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which ten (10) or more rooms are used for the accommodation of such guests,

shall for the purpose of this act, be defined to be a hotel, and licensed as such, and whenever the word hotel shall occur in this act it shall be construed to mean every such structure as is described in this section.

Outside Fire Escapes—Openings to Landings—Way of Egress.] § 2. Every hotel that is three or more stories high shall be provided with an iron stairway fire escape, well fastened and secured on the outside of the building, connected on each floor above the first with at least one opening, with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than two feet wide and with steps of not less than six inches tread, placed at an angle of not more than forty-five degrees and protected by a well-secured hand rail on both sides and reaching to within eight feet of the ground, or provided with a counter-balance that will reach the ground. Such fire escapes shall be sufficient if a perpendicular iron ladder shall be used instead of the stairs, provided such iron ladder is placed at the extreme outside of the platform and at least three feet away from the wall of (the) building, and provided said ladder is equipped with round iron rounds not more than fifteen inches apart. The way of egress to such fire escapes shall at all times be kept free and clear of all obstructions of any and every nature.

Ropes in Upper Bedrooms—Automatic Rope Fire Escapes—Exceptions.] § 3. Any person, persons or corporations, keeping, maintaining, controlling or managing any building or structure kept, used or maintained as an inn, hotel, public lodging house, or place where sleeping accommodations are furnished to the public, whether with or without meals, shall supply and shall keep at all times, and in plain

sight, and securely attached therein and thereto, in every bedroom or sleeping apartment, on second floor, and above the second floor, a manila rope, not less than five-eighths of an inch in diameter with knots not more than fifteen inches apart, and of sufficient strength to sustain a weight and strain of at least five hundred pounds, and of sufficient length to reach the ground. Upon failure to supply such ropes such person, persons or corporations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars: Provided, however, that nothing in this section will be construed to prevent the use of any automatic rope fire escape, in place of the knotted rope: Provided, further, that the provisions of this act relating to outside fire escapes and ropes or automatic appliances, shall not apply to hotels of fire-proof construction.

Notices Posted.] § 4. In every such hotel there shall be posted and maintained notices, printed in black ink on white paper or cardboard, with type not less than four inches in height, at the entrance to each hall, stairway and elevator shaft, and in each bedroom or sleeping apartment above the ground floor, giving directions how to reach the fire escapes, and there shall be posted and maintained in each bedroom or sleeping apartment above the ground floor, except in hotels which are of approved fire-proof construction, notices printed in type, not less than one-half an inch in height, calling attention to the rope therein, and giving directions how to use it.

Elevator Shaft Equipment—"Fire-proof Construction" Interpreted.] § 5. In every hotel, excepting hotels which are of approved fireproof construction, which is equipped with an elevator or elevators, that portion of the shaft or shafts thereof which extends below

the level of the first floor, shall be enclosed with an iron or steel sheeting or other fireproof material as nearly air tight as practicable, with tight doors to the shaft-way, the door to be made, as far as practicable, of wire glass, or in lieu of such construction such elevators shall be provided with an automatic floor trap at the first floor in each elevator shaft; each or either of such appliances shall be constructed in the most approved manner for the prevention of spread of fire by means of such elevator shaft.

The owner or owners of any hotel not of fire-proof construction falsely advertising said building to be of fireproof construction, shall in the event of fire and loss of life or injuries to the person of any guest or guests by reason thereof be liable for damages for such loss of life or injuries to the person. The words "fireproof construction" shall be interpreted to mean that the building is constructed either of re-inforced concrete, steel with tile covering, or heavy fire walls with steel girders, and that no joists, girders, beams or supports are of wood. The doors, window frames and sashes may be constructed of wood.

Inside Court Equipment — Chemical Extinguishers and Fire Axes.] § 6. The owner, proprietor, manager or person in charge of every hotel, except in hotels which are of approved fireproof construction, now or hereafter constructed with an inside court or light well and with the sleeping rooms or sleeping apartments the only windows of which open upon or into such court or light well, unless the said court or light well extends to the ground floor, shall cause the roof or covering to such court or light well to be supplied with a trap door or other opening, and be provided with a rope or other ladder of sufficient length to reach from such door or opening to the ground floor and to the roof, of said hotel building, said rope or ladder to be so placed as to be of easy ac-

cess from every window opening on said court or light well, and of sufficient strength to sustain a weight or strain of at least five hundred pounds, so as to enable those escaping in case of fire to such court or light well to reach the ground floor. That there shall be on each floor chemical fire extinguishers and fire axes located conveniently near to exits to fire escapes.

Penalty for Violations.] § 7. Any owner, lessee or occupant, proprietor, manager, or person in charge of any hotel building who shall fail to place, or cause to be placed upon such building, such fire escape or escapes as are required by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and shall stand committed to the county jail until such fine is paid, and shall be subject to the further fine of fifty dollars for each additional week of neglect and failure to comply with this act.

Enforcement of Act.] § 7a. The Department of Public Safety shall have power to enforce the provisions of this Act. As amended by act approved June 30, 1941.

Prosecutions by State's Attorney.] § 8. For the purpose of carrying into effect the provisions of this act, it shall be the duty of the State's Attorney of the several counties, upon complaint being made, to prosecute all persons violating any of the provisions hereof.

(Sec. 9. Repeal.)

FIRE ESCAPES

AN ACT relating to fire escapes. Approved June 28, 1919.

Fire Escapes on Certain Buildings Within Six Months.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That within six (6) months after the passage of this Act, all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair or other approved fire escapes attached to the outer walls thereof and extending from, or suitably near the ground, to the upper-most story thereof, and provided with platforms of such forms and dimensions, and in such proximity to one or more hinged windows or doors of each story above the first, as to render access to such ladder or stairs from each such story easy and safe: Provided, however, that all buildings more than two stories in height, used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire escape for every fifty (50) persons for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls, which provide seating room above the first or ground story, shall be provided with such numbers of said ladder or stair or other approved fire escapes as the officers herein named may direct.

Buildings Hereafter Erected.] § 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this Act, which shall be hereafter erected within this State, shall upon or before their completion each be provided with fire escapes of the kind and number, and in the manner set forth in said section one (1) of this Act.

To Place on Buildings After Notice.] § 3. The notice to provide fire escapes shall be in writing and shall be served on the owner, trustees, lessee or occupant of any building not provided with fire escapes in accordance with the provisions of this Act, commanding such owner or owners, trustees, lessee or occupant, or either of them, to place or cause to be placed upon such building or buildings, such fire escape or escapes, within thirty (30) days after the service of such notice.

Penalty.] § 4. Any such owner or owners, trustees, lessee or occupant, or either of them, so served with notice as aforesaid, who shall not within thirty (30) days after the service of such notice, upon him or them, place or cause to be placed such fire escape or escapes upon such buildings as required by this Act and the terms of such notice, shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), and to a further fine of fifty dollars (\$50) for each additional week of neglect to comply with such notice.

Disposition of Fines.] § 5. All the money or moneys collected as fines under and by virtue of this Act, shall be paid into or placed to the credit of the common school fund of the counties in which they are collected.

Inspection of Buildings.] § 6. Any person may at any time make complaint in writing to the authorities whose duty it is hereunder to enforce this law, that such escape or escapes are needed or are unsafe or insufficient, and it shall be the duty of such authorities to inspect such building or buildings, and escape or escapes, and cause notice to be served on the owner or owners, trustees, lessee or occupant, as provided in section three (3) of this Act, and such owner or owners, trustees, lessee or occupant shall immediately take steps to overcome the cause of complaint.

Enforcement of Act.] § 7. The Department of Public Safety shall have power to enforce the provisions of this Act and to require by written notice, either upon complaint by any person or without complaint, any owner or owners, trustees, lessee or occupant of buildings to place fire escapes upon same within thirty (30) days, in accordance with this Act. Provided, however, the provisions of this Act shall not apply to cities, villages and towns within the State of Illinois that have passed and adopted or may by their proper legislative authority pass or adopt ordinances, by-laws or resolutions governing the kind, number, location, material and construction of fire escapes to be required on buildings within the corporate limits of such cities, villages and towns. As amended by act approved June 30, 1941.

PUBLIC BUILDINGS

EXIT DOORS TO OPEN OUTWARD

AN ACT to regulate the means of egress from public buildings. Approved March 28, 1874.

Doors to Open Outward.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches, school houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that said doors

shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building.

Penalty.] § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000.

When Public Buildings May Be Closed.] § 3. The Department of Public Safety shall have power to enforce the provisions of this Act and in all cities and towns having a population of two thousand inhabitants and upwards, the Department of Public Safety and the mayor, or other corporate authorities of said town or city, shall be empowered and they are hereby authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this Act. As amended by act approved June 30, 1941.



ILLINOIS

Land of Lincoln



614.84
ILGls
[1953]

STATE OF ILLINOIS
WILLIAM G. STRATTON
GOVERNOR



ILLINOIS FIRE PREVENTION STATUTE

(Also Known as State Fire Marshal Law)

Issued by

DEPARTMENT OF PUBLIC SAFETY

JOSEPH D. BIBB, Director

Division of Fire Prevention

SANFORD F. GILES, Fire Marshal

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AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. (Approved June 15, 1909; L. 1909, p. 266; title as amended by Act approved June 24, 1921. L. 1921, p. 835.)

1-5. §§ 1-5. Repealed by Act filed July 13, 1939. L. 1939. p. 1167.

6. INVESTIGATION AND RECORD OF FIRES—
NOTICE TO DEPARTMENT OF PUBLIC SAFETY.]

§6. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the fire chief of every legally organized fire protection district or the chief of the fire department of every municipality which furnishes fire protection service under contract to any such fire protection district, and the township clerk of every organized township without the limits of any organized city or village or fire protection district, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town, fire protection district or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns, fire protection districts or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks

provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved July 24, 1943. L. 1943, vol. 1, p. 1317.

7. TESTIMONY—ARREST—PROSECUTION.] § 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case. As amended by act approved July 24, 1943. L. 1943, vol. 1, p. 1317.

8. POWERS OF DEPARTMENT OF PUBLIC SAFETY—EXAMINATION OF WITNESSES—REFUSAL TO TESTIFY—PERJURY—PRIVATE INVESTIGATION.] § 8. The Department of Public Safety shall have power in any county in the State of Illinois to summon

and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. Said Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before said Department to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of said Department to make complaint against said person or persons so refusing to comply with the summons or order of said department, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near

the same. All investigations held by or under the direction of the said Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

9. DUTY OF OWNER OR OCCUPANT AS TO FIRE HAZARDS—[INSPECTION OF PREMISES—NOTICE TO REMEDY CONDITION.] § 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endanger the safety of said buildings or premises.

The Department of Public Safety shall adopt and promulgate such reasonable rules as may be necessary to protect the public from the dangers specified in the preceding paragraph. Such rules shall require the installation of necessary fire detection, alarm and protection devices in all public or private buildings which are used or available for use for the housing or assembling of more than 50 persons simultaneously. Prior to the adoption or alteration of any rule, the Department of Public Safety shall formulate such rule in tentative form and publish the same in at least two newspapers having general circulation in this State,

and shall also give at least 10 days' notice of a public hearing at which any interested person may attend and testify for or against such rule. The notice shall specify the time and place of such hearing. However, in case of emergency, a rule may be adopted or altered without notice or hearing but shall be effective for not longer than 15 days from the date of publication. All such rules, after adoption in final form, shall be published to the same extent as a tentative rule prior to enforcement and shall be entered in full and indexed in a book to be kept for such purpose by the Department of Public Safety, which shall be a public record and open to inspection at all reasonable times during office hours. A copy of any such rule, certified by the Director of Public Safety, shall be received in evidence in all courts of this State with the same effect as the original.

All local officers charged with the duty of investigating fires shall enforce such rules, under the direction of the Department of Public Safety, except in those localities which have adopted fire prevention and safety standards comparable to such rules.

The Department of Public Safety, and the officers of cities, villages, town and fire protection districts by this Act charged with the duty of investigating fire, shall, under the direction of the Department of Public Safety, inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such dangerous condition or fire hazard is found to exist, contrary to the rules herein referred to, or if a dangerous condition or fire hazard is found to exist as specified in the first paragraph of this Section, and the rules herein referred to are not applicable to such dangerous condition or fire hazard, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon the owner, occupant or other interested person

shall be in person or by registered mail. As amended by Act approved June 16, 1953.

10. ORDER FOR REPAIRS—APPEAL.] § 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

11. APPEAL FROM ORDER TO COUNTY COURT.] § 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. Added by act filed July 28, 1941. L. 1941, vol. 1, p. 1204.

12. PROCEDURE FOR APPEAL — SUPERSEDEAS.] § 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the county court and summons shall thereupon be issued by the clerk and shall be served on the Director of the Department of Public Safety. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the county court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the

property in question and shall enter judgment either affirming or setting aside the order of the said department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

13. FAILURE TO FILE APPEAL, WAIVER.] § 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

14. PENALTY FOR FAILURE TO COMPLY WITH ORDER—CONCURRENT JURISDICTION.] § 9e. Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than \$10, nor more than \$50, and in the event of a continuance of such wilful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d, and 9e shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection, fire limits, fire prevention, or safety standards, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended by Act approved June 16, 1953.

15. PENALTY FOR VIOLATION BY OFFICER.]

§ 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.)

16. TAX ON FIRE INSURANCE COMPANIES—DISPOSITION OF FUND.] § 12.

For the purpose of maintaining the Division of Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire, sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the busi-

ness of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received from the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the State. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

17. PENALTY FOR VIOLATION OF SECTION 12—REVOCATION OF LICENSE.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act,¹ shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation,

individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Director of the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

¹ Section 16 of this chapter.

18, 19, §§ 14, 15. Repealed by act filed July 13, 1939. L. 1939, p. 1167.

20. COMPENSATION FOR REPORTING FIRES.] § 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for such report made in accordance with the provisions of section 6 of this Act,¹ the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

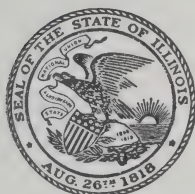
The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

¹ Section 6 of this chapter.

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STATE OF ILLINOIS

ADLAI E. STEVENSON, Governor



ILLINOIS FIRE PREVENTION STATUTE

(Also Known as State Fire Marshal Law)

Issued by

DEPARTMENT OF PUBLIC SAFETY

Donald J. Walsh, Director

DIVISION OF FIRE PREVENTION

Pat Kelly, Fire Marshal

George H. Anderson, Asst. Fire Marshal

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UNIVERSITY OF ILLINOIS

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AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. (Approved June 15, 1909; L. 1909, p. 266; title as amended by Act approved June 24, 1921. L. 1921, p. 835.)

1-5. §§ 1-5. Repealed by Act filed July 13, 1939. L. 1939. p. 1167.

6. INVESTIGATION AND RECORD OF FIRES—
NOTICE TO DEPARTMENT OF PUBLIC SAFETY.]
§6. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the fire chief of every legally organized fire protection district or the chief of the fire department of every municipality which furnishes fire protection service under contract to any such fire protection district, and the township clerk of every organized township without the limits of any organized city or village or fire protection district, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town, fire protection district or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns, fire protection districts or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks

provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved July 24, 1943. L. 1943, vol. 1, p. 1317.

7. TESTIMONY—ARREST—PROSECUTION.] § 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case. As amended by act approved July 24, 1943. L. 1943, vol. 1, p. 1317.

8. POWERS OF DEPARTMENT OF PUBLIC SAFETY—EXAMINATION OF WITNESSES—REFUSAL TO TESTIFY—PERJURY—PRIVATE INVESTIGATION.] § 8. The Department of Public Safety shall have power in any county in the State of Illinois to summon

and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. Said Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before said Department to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of said Department to make complaint against said person or persons so refusing to comply with the summons or order of said department, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near

the same. All investigations held by or under the direction of the said Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

9. DUTY OF OWNER OR OCCUPANT AS TO FIRE HAZARDS—INSPECTION OF PREMISES—NOTICE TO REMEDY CONDITION.] § 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endangers the safety of said buildings or premises.

The Department of Public Safety shall adopt and promulgate such reasonable rules as may be necessary to protect the public from the dangers specified in the preceding paragraph. Such rules shall require the installation of necessary fire detection, alarm and protection devices in all public and private buildings which are used or available for use for the housing or assembling of more than 50 persons simultaneously. Prior to the adoption or alteration of any rule, the Department of Public Safety shall formulate such rule in tentative form and publish the same in at least two newspapers having general circulation in this State, and

shall also give at least 10 days' notice of a public hearing at which any interested person may attend and testify for or against such rule. The notice shall specify the time and place of such hearing. However, in case of emergency, a rule may be adopted or altered without notice or hearing but shall be effective for not longer than 15 days from the date of publication. All such rules, after adoption in final form, shall be published to the same extent as a tentative rule prior to enforcement and shall be entered in full and indexed in a book to be kept for such purpose by the Department of Public Safety, which shall be a public record and open to inspection at all reasonable times during office hours. A copy of any such rule, certified by the Director of Public Safety, shall be received in evidence in all courts of this State with the same effect as the original.

All local officers charged with the duty of investigating fires shall enforce such rules, under the direction of the Department of Public Safety, except in those localities which have adopted fire prevention and safety standards comparable to such rules.

The Department of Public Safety, and the officers of cities, villages, towns and fire protection districts by this Act charged with the duty of investigating fires, shall, under the direction of the Department of Public Safety, inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such a dangerous condition or fire hazard is found to exist, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon the owner, occupant or other interested person shall be in person or by registered mail. As amended by act approved July 26, 1949.

10. ORDER FOR REPAIRS—APPEAL.] § 9a. The owner or other person interested in such building or premises, within ten days

after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

11. APPEAL FROM ORDER TO COUNTY COURT.] § 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. Added by act filed July 28, 1941. L. 1941, vol. 1, p. 1204.

12. PROCEDURE FOR APPEAL — SUPERSEDEAS.] § 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the county court and summons shall thereupon be issued by the clerk and shall be served on the Director of the Department of Public Safety. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the county court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the said department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

13. FAILURE TO FILE APPEAL, WAIVER.] § 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

14. PENALTY FOR FAILURE TO COMPLY WITH ORDER—CONCURRENT JURISDICTION.] § 9e. Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), and in the event of a continuance of such wilful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d and 9e¹ shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection and fire limits, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended by act approved June 30, 1941. L. 1941, vol. 1,

p. 1208; act filed July 28, 1941. L. 1941, vol. 1, p. 1204.

¹ This section and sections 9-13 of this chapter.

This section was amended by two acts of the Sixty-second General Assembly, 1941, both cited to the text. The amendments contained identical provisions, except that section "9b" was not listed in the last paragraph of the amendment approved June 30, 1941.

15. PENALTY FOR VIOLATION BY OFFICER.]
 § 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.)

16. TAX ON FIRE INSURANCE COMPANIES—DISPOSITION OF FUND.] § 12. For the purpose of maintaining the Division of Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire, sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such re-

port, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received from the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the State. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

17. PENALTY FOR VIOLATION OF SECTION 12—REVOCATION OF LICENSE.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act,¹ shall be subject to a penalty of not less than one hundred dollars (\$100) nor ex-

ceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Director of the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

¹ Section 16 of this chapter.

18, 19, §§ 14, 15. Repealed by act filed July 13, 1939. L. 1939, p. 1167.

20. COMPENSATION FOR REPORTING FIRES.] § 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for such report made in accordance with the provisions of section 6 of this Act,¹ the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941. L. 1941, vol. 1, p. 1208.

¹ Section 6 of this chapter.

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STATE OF ILLINOIS
DWIGHT H. GREEN, Governor



STATE FIRE MARSHAL LAW

Issued by
DEPARTMENT OF PUBLIC SAFETY
T. P. Sullivan, Director

DIVISION OF FIRE PREVENTION
John H. Craig, Fire Marshal
George H. Anderson, Asst. Fire Marshal



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AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. (Approved June 15, 1909; L. 1909, p. 266; title as amended by Act approved June 24, 1921. L. 1921, p. 835.)

1-5. §§ 1-5. Repealed by Act filed July 13, 1939. L. 1939, P. 1167.

6. INVESTIGATION AND RECORD OF FIRES—
NOTICE TO DEPARTMENT OF PUBLIC SAFETY.]
§6. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the fire chief of every legally organized fire protection district or the chief of the fire department of every municipality which furnishes fire protection service under contract to any such fire protection district, and the township clerk of every organized township without the limits of any organized city or village or fire protection district, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town, fire protection district or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns, fire protection districts or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks

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provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved July 24, 1943. H. B. No. 426.

Offices of the State Fire Marshal, Deputies, etc., abolished and their powers and duties transferred to Department of Public Safety. See State Government, ch. 127, §§ 35, 55a, ante.

7. TESTIMONY—ARREST—PROSECUTION.]

§ 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case. As amended by act approved July 24, 1943. H. B. No. 426.

8. POWERS OF DEPARTMENT OF PUBLIC SAFETY—EXAMINATION OF WITNESSES—REFUSAL TO TESTIFY—PERJURY—PRIVATE INVESTIGATION.] § 8. The Department of

Public Safety shall have power in any county in the State of Illinois to summon and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. Said Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before said Department to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of said Department to make complaint against said person or persons so refusing to comply with the summons or order of said department, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or prem-

ises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the said Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended by act approved June 30, 1941. L. 1941, p. 1209, Vol. 1, H. B. No. 768.

9. DUTY OF OWNER OR OCCUPANT AS TO FIRE HAZARDS—INSPECTION OF PREMISES—NOTICE TO REMEDY CONDITION.] § 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endangers the safety of said buildings or premises.

The Department of Public Safety and the officers of cities, villages, towns and fire protection districts by this Act charged with the duty of investigating fires, may inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such a dangerous condition or fire hazard is found to exist, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon

the owner, occupant or other interested person shall be in person or by registered mail. As amended by an act approved July 24, 1943. H. B. 426.

Section added: L. 1921, p. 835.

The amendatory act approved June 24, 1921, adds this section to replace § 9, which was held invalid in *P. v. Sholem*, 294-204, 128 N. E. 377.

10. ORDER FOR REPAIRS—APPEAL.] § 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. As amended by act approved June 30, 1941. L. 1941, p. 1210, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

11. APPEAL FROM ORDER TO COUNTY COURT.] § 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. Added by act filed July 28, 1941. L. 1941, p. 1205, Vol. 1, H. B. No. 908.

Former section 9b, added by L. 1921, p. 835, § 1, was repealed by L. 1939, p. 1167, § 1.

12. PROCEDURE FOR APPEAL—SUPERSEDEAS.] § 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the county court and summons shall thereupon be issued by the clerk and shall be served on the Director of the Department of Public Safety. Upon the fil-

ing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the county court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the said department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Prior amednment: L. 1933, p. 1059.

Section added: L. 1921, p. 835.

13. FAILURE TO FILE APPEAL, WAIVER.]
 § 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

14. PENALTY FOR FAILURE TO COMPLY WITH ORDER—CONCURRENT JURISDICTION.]
 § 9e. Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), and in the event of a continuance of such wilful failure, neg-

lect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d and 9e¹ shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection and fire limits, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768; act filed July 28, 1941. L. 1941, p. 1205, Vol. 1, H. B. No. 908.

Section added: L. 1921, p. 835.

¹This section and sections 9-13 of this chapter.

This section was amended by two acts of the Sixty-second General Assembly, 1941, both cited to the text. The amendments contained identical provisions, except that section "9b" was not listed in the last paragraph of the amendment approved June 30, 1941.

15. PENALTY FOR VIOLATION BY OFFICER.]

§ 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941. L. 1941, p. 1213, Vol. 1, H. B. No. 768.)

16. TAX ON FIRE INSURANCE COMPANIES —DISPOSITION OF FUND.] § 12. For the

purpose of maintaining the Division of Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire,

sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received from the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same man-

ner as other claims against the State. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Prior amendments: L. 1935, p. 924; L. 1933, p. 1058; L. 1931, p. 877.

17. PENALTY FOR VIOLATION OF SECTION 12—REVOCATION OF LICENSE.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act,¹ shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Director of the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved June 30, 1941. L. 1941, p. 1212, Vol. 1, H. B. No. 768.

¹ Section 16 of this chapter.

18, 19. §§ 14, 15. Repealed by Act filed July 13, 1939. L. 1939, p. 1167.

20. COMPENSATION FOR REPORTING FIRES.] § 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for such report made in accordance with the provisions of section 6 of this Act,¹ the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of

seventy-five cents for each such report and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941. L. 1941, p. 1212, Vol. 1, H. B. No. 768.

Prior amendment: L. 1921, p. 835.

¹ Section 6 of this chapter.

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STATE OF ILLINOIS
DWIGHT H. GREEN, Governor



STATE FIRE MARSHAL LAW

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DEPARTMENT OF PUBLIC SAFETY

T. P. Sullivan, Director

DIVISION OF FIRE PREVENTION

John H. Craig, Fire Marshal

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AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. (Approved June 15, 1909; L. 1909, p. 266; title as amended by Act approved June 24, 1921. L. 1921, p. 835.)

1-5. §§ 1-5. Repealed by Act filed July 13, 1939. L. 1939, P. 1167.

6. INVESTIGATION AND RECORD OF FIRES—
NOTICE TO DEPARTMENT OF PUBLIC SAFETY.]

§ 6. The Department of Public Safety and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations pro-

vided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved June 30, 1941. L. 1941, p. 1209, Vol. 1, H. B. No. 768.

Offices of the State Fire Marshal, Deputies, etc., abolished and their powers and duties transferred to Department of Insurance. See State Government, ch. 127, §§ 35, 56, ante.

7. TESTIMONY—ARREST—PROSECUTION.]

§ 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case, and shall report to the Director of Insurance as often as such Director shall require, its proceedings and the progress made in all prosecutions under this act, and the result of all cases which are finally disposed of. As amended by act approved June 30, 1941. L. 1941, p. 1209, Vol. 1, H. B. 768.

8. POWERS OF DEPARTMENT OF PUBLIC SAFETY—EXAMINATION OF WITNESSES—REFUSAL TO TESTIFY—PERJURY—PRIVATE INVESTIGATIONS.] § 8. The Department of

Public Safety shall have power in any county in the State of Illinois to summon and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. Said Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before said Department to give testimony in relation to any matter of subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of said Department to make complaint against said person or persons so refusing to comply with the summons or order of said department, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or prem-

ises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the said Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended by act approved June 30, 1941. L. 1941, p. 1209, Vol. 1, H. B. No. 768.

9. DUTY OF OWNER OR OCCUPANT AS TO FIRE HAZARDS—[INSPECTION OF PREMISES—NOTICE TO REMEDY CONDITION.] § 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable combustible or explosive material or inflammable conditions, which endangers the safety of said buildings or premises.

The Department of Public Safety and the officers of cities, villages and towns by this Act charged with the duty of investigating fires, may inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such a dangerous condition or fire hazard is found to exist, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of

the notice upon the owner, occupant or other interested person shall be in person or by registered mail. As amended by an act approved June 30, 1941. L. 1941, p. 1210, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

The amendatory act approved June 24, 1921, adds this section to replace § 9, which was held invalid in *P. v. Sholem*, 294-204, 128 N. E. 377.

10. ORDER FOR REPAIRS—APPEAL.] § 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. As amended by act approved June 30, 1941. L. 1941, p. 1210, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

11. APPEAL FROM ORDER TO COUNTY COURT.] § 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. Added by act filed July 28, 1941. L. 1941, p. 1205, Vol. 1, H. B. No. 908.

Former section 9b, added by L. 1921, p. 835, § 1, was repealed by L. 1939, p. 1167, § 1.

12. PROCEDURE FOR APPEAL — SUPERSEDEAS.] § 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the county court and summons shall thereupon be issued by the clerk and shall be served on the Director of the Department of Public Safety. Upon the fil-

ing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the county court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the said department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Prior amendment: L. 1933, p. 1059.

Section added: L. 1921, p. 835.

13. FAILURE TO FILE APPEAL, WAIVER.]
 § 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

14. PENALTY FOR FAILURE TO COMPLY WITH ORDER—CONCURRENT JURISDICTION.]
 § 9e. Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), and in the event of a continuance of such wilful failure, neg-

lect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d and 9e¹ shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection and fire limits, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768; act filed July 28, 1941. L. 1941, p. 1205, Vol. 1, H. B. No. 908.

Section added: L. 1921, p. 835.

¹ This section and sections 9-13 of this chapter.

This section was amended by two acts of the Sixty-second General Assembly, 1941, both cited to the text. The amendments contained identical provisions, except that section "9b" was not listed in the last paragraph of the amendment approved June 30, 1941.

15. PENALTY FOR VIOLATION BY OFFICER.]

§ 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941. L. 1941, p. 1213, Vol. 1, H. B. No. 768.)

16. TAX ON FIRE INSURANCE COMPANIES —DISPOSITION OF FUND.] § 12.

For the purpose of maintaining the Division of Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire,

sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received from the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same man-

ner as other claims against the State. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Prior amendments: L. 1935, p. 924; L. 1933, p. 1058; L. 1931, p. 877.

17. PENALTY FOR VIOLATION OF SECTION 12—REVOCATION OF LICENSE.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act,¹ shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Director of the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved June 30, 1941. L. 1941, p. 1212, Vol. 1, H. B. No. 768.

18, 19. §§ 14, 15. Repealed by Act filed July 13, 1939. L. 1939, p. 1167.

20. COMPENSATION FOR REPORTING FIRES.] § 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for such report made in accordance with the provisions of section 6 of this Act,¹ the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report and

in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941. L. 1941, p. 1212, Vol. 1, H. B. No. 768.

Prior amendment: L. 1921, p. 835.

¹ Section 6 of this chapter.

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STATE OF ILLINOIS
DWIGHT H. GREEN, Governor



STATE FIRE MARSHAL LAW

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DEPARTMENT OF PUBLIC SAFETY

T. P. Sullivan, Director

DIVISION OF FIRE PREVENTION

John H. Craig, Fire Marshal

George H. Anderson, Asst. Fire Marshal

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AN ACT in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. (Approved June 15, 1909; L. 1909, p. 266; title as amended by Act approved June 24, 1921. L. 1921, p. 835.)

1-5. §§ 1-5. Repealed by Act filed July 13, 1939. L. 1939, P. 1167.

6. INVESTIGATION AND RECORD OF FIRES—
NOTICE TO DEPARTMENT OF PUBLIC SAFETY.]

§ 6. The Department of Public Safety and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Department of Public Safety shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said Department of Public Safety and shall within one week of the occurrence of the fire, furnish to the said Department of Public Safety a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by said Department. The Department of Public Safety shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations pro-

vided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. As amended by act approved June 30, 1941. L. 1941, p. 1209, Vol. 1, H. B. No. 768.

Offices of the State Fire Marshal, Deputies, etc., abolished and their powers and duties transferred to Department of Insurance. See State Government, ch. 127, §§ 35, 56, ante.

7. TESTIMONY—ARREST—PROSECUTION.]

§ 7. The Department of Public Safety shall, when in its opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if it shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, it shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by it, including a copy of all pertinent and material testimony taken in the case, and shall report to the Director of Insurance as often as such Director shall require, its proceedings and the progress made in all prosecutions under this act, and the result of all cases which are finally disposed of. As amended by act approved June 30, 1941. L. 1941, p. 1209, Vol. 1, H. B. 768.

8. POWERS OF DEPARTMENT OF PUBLIC SAFETY—EXAMINATION OF WITNESSES—REFUSAL TO TESTIFY—PERJURY—PRIVATE INVESTIGATIONS.] § 8. The Department of

Public Safety shall have power in any county in the State of Illinois to summon and compel the attendance of witnesses before it to testify in relation to any matter which is by the provision of this act a subject of inquiry and investigation, and may require the production of any books, paper or document deemed pertinent thereto by it. Said Department is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before it, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Department, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to appear before said Department to give testimony in relation to any matter of subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of said Department to make complaint against said person or persons so refusing to comply with the summons or order of said department, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said Department of Public Safety shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or prem-

ises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the said Department of Public Safety may, in its discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. As amended by act approved June 30, 1941. L. 1941, p. 1209, Vol. 1, H. B. No. 768.

9. DUTY OF OWNER OR OCCUPANT AS TO FIRE HAZARDS—[INSPECTION OF PREMISES—NOTICE TO REMEDY CONDITION.] § 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable combustible or explosive material or inflammable conditions, which endangers the safety of said buildings or premises.

The Department of Public Safety and the officers of cities, villages and towns by this Act charged with the duty of investigating fires, may inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such a dangerous condition or fire hazard is found to exist, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of

the notice upon the owner, occupant or other interested person shall be in person or by registered mail. As amended by an act approved June 30, 1941. L. 1941, p. 1210, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

The amendatory act approved June 24, 1921, adds this section to replace § 9, which was held invalid in *P. v. Sholem*, 294-204, 128 N. E. 377.

10. ORDER FOR REPAIRS—APPEAL.] § 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Public Safety, to the Department of Public Safety. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. As amended by act approved June 30, 1941. L. 1941, p. 1210, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

11. APPEAL FROM ORDER TO COUNTY COURT.] § 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Public Safety may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. Added by act filed July 28, 1941. L. 1941, p. 1205, Vol. 1, H. B. No. 908.

Former section 9b, added by L. 1921, p. 835, § 1, was repealed by L. 1939, p. 1167, § 1.

12. PROCEDURE FOR APPEAL — SUPERSEDEAS.] § 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the county court and summons shall thereupon be issued by the clerk and shall be served on the Director of the Department of Public Safety. Upon the fil-

ing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the county court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the said department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Prior amendment: L. 1933, p. 1059.
Section added: L. 1921, p. 835.

13. FAILURE TO FILE APPEAL, WAIVER.]
§ 9d. If no appeal is taken from the order of the Department of Public Safety within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Section added: L. 1921, p. 835.

14. PENALTY FOR FAILURE TO COMPLY WITH ORDER—CONCURRENT JURISDICTION.]
§ 9e. Wilful failure, neglect or refusal to comply (1) with the order of the Department of Public Safety or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the Department is a misdemeanor punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), and in the event of a continuance of such wilful failure, neg-

lect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d and 9e¹ shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection and fire limits, but the jurisdiction of the Department of Public Safety shall, in such municipalities, be concurrent with that of the municipal authorities. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768; act filed July 28, 1941. L. 1941, p. 1205, Vol. 1, H. B. No. 908.

Section added: L. 1921, p. 835.

¹ This section and sections 9-13 of this chapter.

This section was amended by two acts of the Sixty-second General Assembly, 1941, both cited to the text. The amendments contained identical provisions, except that section "9b" was not listed in the last paragraph of the amendment approved June 30, 1941.

15. PENALTY FOR VIOLATION BY OFFICER.]

§ 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 repealed by act approved June 30, 1941. L. 1941, p. 1213, Vol. 1, H. B. No. 768.)

16. TAX ON FIRE INSURANCE COMPANIES—DISPOSITION OF FUND.] § 12.

For the purpose of maintaining the Division of Fire Prevention of the Department of Public Safety and paying the expenses incident thereto, every fire insurance company whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month of March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire,

sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received from the year or portion of year preceding, and shall, during said month of March of each year, pay to the Department of Insurance such amount as may be assessed not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expenses incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Public Safety shall be paid into the General Revenue Fund in the State Treasury. The said Department of Public Safety shall keep on file in such office an itemized statement of all expenses incurred by such Division and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same man-

ner as other claims against the State. As amended by act approved June 30, 1941. L. 1941, p. 1211, Vol. 1, H. B. No. 768.

Prior amendments: L. 1935, p. 924; L. 1933, p. 1058; L. 1931, p. 877.

17. PENALTY FOR VIOLATION OF SECTION 12—REVOCATION OF LICENSE.] § 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act,¹ shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in a civil action at the suit of the Attorney General, Director of Insurance, Director of Public Safety or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Director of the Department of Insurance and penalties recovered under the provisions of this Act shall be paid into the county treasury of the county in which such recovery is had. As amended by act approved June 30, 1941. L. 1941, p. 1212, Vol. 1, H. B. No. 768.

^{18, 19.} §§ 14, 15. Repealed by Act filed July 13, 1939. L. 1939, p. 1167.

20. COMPENSATION FOR REPORTING FIRES.] § 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000) per annum as such chiefs and mayors, shall receive for such report made in accordance with the provisions of section 6 of this Act,¹ the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report and

in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department of Public Safety in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. As amended by act approved June 30, 1941. L. 1941, p. 1212, Vol. 1, H. B. No. 768.

Prior amendment: L. 1921, p. 835.

¹ Section 6 of this chapter.

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STATE FIRE MARSHAL LAW

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DEPARTMENT OF INSURANCE
ERNEST PALMER, Director
DIVISION OF FIRE PREVENTION

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AN ACT In relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. (Approved June 15, 1909; L. 1909, p. 266; title as amended by Act approved June 24, 1921. L. 1921, P. 835.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. That the Governor is hereby authorized and empowered to appoint within sixty days after this act shall take effect, and every four years thereafter, between the 15th day of January and the first day of February, by and with the advice and consent of the Senate, and also within thirty days after the occurrence of a vacancy in the office, a suitable person who shall be a citizen of this State, as State Fire Marshal, who shall give bond in the penal sum of five thousand dollars, with not less than two sureties conditioned for the faithful performance of the duties of his office, to be approved by the Insurance Superintendent, who shall devote his whole time to the duties of his office, and who shall hold office until his successor is appointed and qualified, the title of which office shall be State Fire Marshal. Such officer shall keep his office at the capitol in the City of Springfield, and may be removed for cause at any time by the Governor.*

Sec. 2. The State Fire Marshal is hereby empowered and required to appoint two deputy fire marshals to be designated as first and second deputies, and one chief assistant. The duties of said deputies and

*Offices of State Fire Marshal, Deputies, etc., abolished and their powers and duties transferred to Department of Insurance. L. 1933, p. 1063, 1074.

chief assistant shall be to assist the State Fire Marshal, and such appointees may be removed for cause by the said Fire Marshal.

Sec. 3. In the event of a vacancy in the office of Fire Marshal, or during the absence or disability of that officer, the first deputy marshal shall perform the duties of the office.

Sec. 4. The State Fire Marshal is hereby empowered to appoint one chief deputy fire marshal and twenty-four deputy fire marshals and such office assistants as may be necessary for the proper and efficient conduct of his office. (As amended by act approved December 3, 1915. L. 1915. Sp. Sess., p. 38.)

Sec. 5. The State Fire Marshal may, in addition to the provisions of Section 4, appoint any person as inspector who may be known to him to be competent and skilled in the business of fire insurance and in the inspection of buildings and their contents. Such person shall have all the powers of other deputies to enter and inspect buildings, including their contents and occupancies, as provided under Section 9, and it shall be the duty of such inspectors to report to the Fire Marshal any faulty or dangerous conditions found. Such deputy inspectors to be duly commissioned and serve without compensation.

Sec. 6. The State Fire Marshal and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town or township by which property has been destroyed or damaged, and shall especially make investigation as

to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Fire Marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said Fire Marshal and shall within one week of the occurrence of the fire, furnish to the said Fire Marshal a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by said Marshal. The State Fire Marshal shall keep in his office a record of all fire (fires) occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the Insurance Superintendent may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year.

Sec. 7. The State Fire Marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting

attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case, and shall report to the Insurance Superintendent as often as such superintendent shall require, his proceedings and the progress made in all prosecutions under this act, and the result of all cases which are finally disposed of.

Sec. 8. The State Fire Marshal, deputy State fire marshals and chief assistant fire marshal, shall each have power in any county in the State of Illinois to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto by them or either of them. Said State Fire Marshal, deputy State fire marshals and chief assistant fire marshal are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said State Fire Marshal, deputy State fire marshals or assistant fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned by them, or either of them, to appear before them, or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the State Fire Marshal, deputy State fire marshal or chief assistant fire marshal,

or either of them, to make complaint against said person or persons so refusing to comply with the summons or order of said State Fire Marshal, deputy State fire marshals or chief assistant fire marshal, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint, such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid: Provided, however, that any person so convicted shall have the right of appeal. Said State Fire Marshal and his subordinates, or either of them, shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of said State Fire Marshal may, in his discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Sec. 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any

building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endangers the safety of said buildings or premises.

The Department of Trade and Commerce and the officers of cities, villages and towns by this Act charged with the duty of investigating fires, may inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such a dangerous condition or fire hazard is found to exist, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon the owner, occupant or other interested person shall be in person or by registered mail. (Added by act approved June 24, 1921. L. 1921, p. 835.)

The amendatory act approved June 24, 1921, adds this section to replace Section 9 held invalid in *P. v. Sholem*, 294-204, 128 N. E., 377.

Sec. 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Trade and Commerce, to the Department of Trade and Commerce. The department shall there upon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. (Added by act approved June 24, 1921. L. 1921, p. 835.)

Sec. 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Trade and Commerce may within ten days thereafter appeal to the County Court of the county in which the property affected by

the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. (Added by act approved June 24, 1921. L. 1921, p. 835.)

Sec. 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the County Court and summons shall thereupon be issued by the clerk and shall be served upon the Director of the Department of Trade and Commerce. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the County Court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. (As amended by act approved June 21, 1933. L. 1933, p. 1059. In force January 1, 1934.)

Section added L. 1921, p. 835.

Sec. 9d. If no appeal is taken from the order of the department within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. (Added by act approved June 24, 1921. L. 1921, p. 835.)

Sec. 9e. Wilful failure, neglect or refusal to comply (1) with the order of the department or other officers after it has become final by reason of failure to prose-

cute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the department is a misdemeanor punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), and in the event of a continuance of such wilful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense.

The provisions of Sections 9, 9a, 9b, 9c, 9d and 9e shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection and fire limits, but the jurisdiction of the Department of Trade and Commerce shall, in such municipalities, be concurrent with that of the municipal authorities. (Added by act approved June 24, 1921. L. 1921, p. 835.)

Sec. 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 relates to salaries of Fire Marshal and his deputies, offices abolished.)

Sec. 12. For the purpose of maintaining the Division of Fire Prevention of the Department of Insurance and paying the expenses incident thereto, every fire insurance company, whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month (of) March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals,

not exceeding one-half of one per cent of the gross fire, sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received for the year or portion of year preceding, and shall, during the said month of March of each year, pay to the Department of Insurance such amount as may be assessed, not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expense incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Insurance shall be paid into the General Revenue Fund in the State Treasury. The said Department of Insurance shall keep on file in such office an itemized statement of all expenses incurred by such department and shall approve all vouchers issued therefor before the same are sub-

mitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the State. (As amended by act approved July 2, 1935. L. 1935, p. 924.)

Prior amendments: L. 1933, p. 1058; L. 1931, p. 877.

Sec. 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act, shall be subject to a penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in an action of debt at the suit of the Attorney General, Insurance Superintendent or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Insurance Superintendent and penalties recovered under the provisions of this act shall be paid into the county treasury of the county in which such recovery is had.

Sec. 14. The State Fire Marshal shall not engage in any other business, and he, or one of his deputies, shall at all times be at the office of the fire marshal ready for such duties as are required by this act.

Sec. 15. The fire marshal shall submit annually, as early as consistent with full and accurate preparation, and not later than the first day of February in each year, a detailed report of his official actions to the Insurance Superintendent, and there shall be included in the annual report of such Insurance Superintendent

such portion of the report of the said fire marshal as shall be deemed desirable by such Insurance Superintendent.

Sec. 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000.00) per annum as such chiefs and mayors, shall receive for each report made in accordance with the provisions of section 6 of this Act, the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report, and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. (As amended by act approved June 24, 1921. L. 1921, p. 835.)

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STATE OF ILLINOIS
HENRY HORNER, Governor



State Fire Marshal Law

Issued By

DEPARTMENT OF INSURANCE

ERNEST PALMER, Director

DIVISION OF FIRE PREVENTION

SHERMAN V. COULTAS, Fire Marshal



(62692)

AN ACT

In relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures. (Approved June 15, 1909; L. 1909, p. 266; title as amended by Act approved June 24, 1921. L. 1921, P. 835.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. That the Governor is hereby authorized and empowered to appoint within sixty days after this act shall take effect, and every four years thereafter, between the 15th day of January and the first day of February, by and with the advice and consent of the Senate, and also within thirty days after the occurrence of a vacancy in the office, a suitable person who shall be a citizen of this state, as State Fire Marshal, who shall give bond in the penal sum of five thousand dollars, with not less than two sureties conditioned for the faithful performance of the duties of his office, to be approved by the Insurance Superintendent, who shall devote his whole time to the duties of his office, and who shall hold office until his successor is appointed and qualified, the title of which office shall be State Fire Marshal. Such officer shall keep his office at the capitol in the City of Springfield, and may be removed for cause at any time by the Governor.*

SECTION 2. The State Fire Marshal is hereby empowered and required to appoint two deputy fire marshals to be designated as first and second deputies, and one chief assistant. The duties of said deputies and

*Offices of State Fire Marshal, Deputies, etc., abolished and their powers and duties transferred to Department of Trade and Commerce. Department of Trade and Commerce abolished and transfer made to Department of Insurance. L. 1933, p. 1063, 1074.

chief assistant shall be to assist the State Fire Marshal, and such appointees may be removed for cause by the said Fire Marshal.

SECTION 3. In the event of a vacancy in the office of Fire Marshal, or during the absence or disability of that officer, the first deputy marshal shall perform the duties of the office.

SECTION 4. The State Fire Marshal is hereby empowered to appoint one chief deputy fire marshal and twenty-four deputy fire marshals and such office assistants as may be necessary for the proper and efficient conduct of his office. (As amended by act approved December 3, 1915. L. 1915. Sp. Sess., p. 38.)

SECTION 5. The State Fire Marshal may, in addition to the provisions of Section 4, appoint any person as inspector who may be known to him to be competent and skilled in the business of fire insurance and in the inspection of buildings and their contents. Such person shall have all the powers of other deputies to enter and inspect buildings, including their contents and occupancies, as provided under Section 9, and it shall be the duty of such inspectors to report to the Fire Marshal any faulty or dangerous conditions found. Such deputy inspectors to be duly commissioned and serve without compensation.

SECTION 6. The State Fire Marshal and the chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated village or town in which no fire department exists, and the township clerk of every organized township without the limits of any organized village or city, shall investigate the cause, origin and circumstances of every fire occurring in such city, village, town or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or

design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Fire Marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said Fire Marshal and shall within one week of the occurrence of the fire, furnish to the said Fire Marshal a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for by the blanks provided by said Marshal. The State Fire Marshal shall keep in his office a record of all fire (fires) occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the Insurance Superintendent may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year.

SECTION 7. The State Fire Marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained

by him, including a copy of all pertinent and material testimony taken in the case, and shall report to the Insurance Superintendent as often as such superintendent shall require, his proceedings and the progress made in all prosecutions under this act, and the result of all cases which are finally disposed of.

SECTION 8. The State Fire Marshal, deputy state fire marshals and chief assistant fire marshal, shall each have power in any county in the State of Illinois to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto by them or either of them. Said State Fire Marshal, deputy state fire marshals and chief assistant fire marshal are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them, and false swearing in any manner or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said State Fire Marshal, deputy state fire marshals or assistant fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned by them, or either of them, to appear before them, or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the State Fire Marshal, deputy state fire marshal or chief assistant fire marshal, or either of them, to make complaint against said person or persons so refusing to comply with the summons or order of said State Fire Marshal, deputy state fire marshals or

chief assistant fire marshal, before any justice of the peace, police magistrate, or in any court of record in the county in which said investigation is being had, and upon the filing of such complaint, such cause shall proceed in the same manner as other criminal cases, and upon conviction any such person guilty of a violation of the provisions of this act shall be fined in a sum not exceeding twenty-five dollars (\$25) and imprisoned until such fine is paid; Provided, however, that any person so convicted shall have the right of appeal. Said State Fire Marshal and his subordinates, or either of them, shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of said State Fire Marshal may, in his discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

SECTION 9. No person, being the owner, occupant or lessee of any building or other structure which is so occupied or so situated as to endanger persons or property, shall permit such building or structure by reason of faulty construction, age, lack of proper repair, or any other cause to become especially liable to fire, or to become liable to cause injury or damage by collapsing or otherwise. And no person, being the owner, occupant or lessee of any building, or structure, shall keep or maintain or allow to be kept or maintained on such premises, combustible or explosive material or inflammable conditions, which endangers the safety of said buildings or premises.

The Department of Trade and Commerce and the officers of cities, villages and towns by this Act charged with the duty of investigating fires, may inspect and examine at reasonable hours, any premises, and the buildings and other structures thereon, and if such a dangerous condition or fire hazard is found to exist, shall order the dangerous condition removed or remedied, and shall so notify the owner, occupant or other person interested in the premises. Service of the notice upon the owner, occupant or other interested person shall be in person or by registered mail. (Added by act approved June 24, 1921. L. 1921, p. 835.)

The amendatory act approved June 24, 1921, adds this section to replace Section 9 held invalid in *P. v. Sholem*, 294-204, 128 N. E., 377.

SECTION 9a. The owner or other person interested in such building or premises, within ten days after receiving such notice, may appeal from orders of officers of cities, villages and towns, or from orders of deputies of the Department of Trade and Commerce, to the Department of Trade and Commerce. The department shall thereupon make an investigation and shall either sustain or revoke the order. If the order is sustained, or if no appeal is made to the department, it shall be the duty of the owner or occupant to comply with such order. (Added by act approved June 24, 1921. L. 1921, p. 835.)

SECTION 9b. Any person against whom an order to remove or remedy a dangerous condition or fire hazard has been entered or sustained by the Department of Trade and Commerce may within ten days thereafter appeal to the County Court of the county in which the property affected by the order is located, for the purpose of having the reasonableness or lawfulness of the order inquired into and determined. (Added by act approved June 24, 1921. L. 1921, p. 835.)

SECTION 9c. The party taking the appeal shall file a praecipe in the office of the clerk of the County Court and summons shall thereupon be issued by the clerk and shall be served upon the Director of the Department of Trade and Commerce. Upon the filing of the praecipe, the appeal shall be docketed for trial not less than ten days nor more than thirty days after the service of the summons and shall be tried by the County Court without formal pleadings. Upon the trial of the appeal, the court shall hear evidence as to the condition of the property in question and shall enter judgment either affirming or setting aside the order of the department, or the court may enter judgment modifying the order of the department.

The filing of the praecipe shall operate as a supersedeas. (As amended by act approved June 21, 1933. L. 1933, p. 1059. In force January 1, 1934.)

Section added L. 1921, p. 835.

SECTION 9d. If no appeal is taken from the order of the department within the period fixed, the party against whom the order was entered, shall be deemed to have waived the right to have the reasonableness or lawfulness of the order reviewed by a court and there shall be no trial of that issue in any court in which suit may be instituted for the penalty for failure to comply with the order. (Added by act approved June 24, 1921. L. 1921, p. 835.)

SECTION 9e. Wilful failure, neglect or refusal to comply (1) with the order of the department or other officers after it has become final by reason of failure to prosecute an appeal as provided by this Act, or (2) with the judgment of the County Court sustaining or modifying the order of the department is a misdemeanor punishable by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), and in the event of a continuance of such wilful failure, neglect or refusal to comply with

such order, each day's continuance is a separate offense.

The provisions of sections 9, 9a, 9b, 9c, 9d and 9e shall not be construed to affect or repeal any ordinances of any municipality relating to building inspection and fire limits, but the jurisdiction of the Department of Trade and Commerce shall, in such municipalities, be concurrent with that of the municipal authorities. (Added by act approved June 24, 1921. L. 1921, p. 835.)

SECTION 10. Any officer referred to in Section 6 herein who neglects to comply with any of the requirements of this act, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) to be recovered as provided in Section 9 of this act.

(Section 11 relates to salaries of Fire Marshal and his deputies, offices abolished.)

SECTION 12. For the purpose of maintaining the office of the Division of Fire Prevention of the Department of Insurance and paying the expenses incident thereto, every fire insurance company, whether upon the stock or mutual plan, and all individuals, firms, corporations, associations or aggregations of underwriters doing business in the State of Illinois, shall pay to the Department of Insurance of the State of Illinois in the month (of) March annually, in addition to the taxes now required by law to be paid by such companies, associations, partnerships, firms or individuals, not exceeding one-half of one per cent of the gross fire, sprinkler leakage, riot, civil commotion, explosion and motor vehicle fire risk premium receipts of all such companies, firms, individuals, associations or partnerships on all business done in the State of Illinois during the year preceding or such portion of the year as this law may have been in effect as shown by their annual statement under oath to the Department of Insurance, in case such company, association, firm, partnership

or aggregation of underwriters is now required by law to make such annual report or does make such report, but it is expressly provided that from and after the taking effect of this law every such company, firm, partnership, association, or body of individuals acting as underwriters or insuring each other, no matter how or under what form the business of fire insurance is done, shall annually report to the Department of Insurance the gross premiums received for the year or portion of year preceding, and shall, during the said month of March of each year, pay to the Department of Insurance such amount as may be assessed, not exceeding one-half of one per cent of such gross premium receipts, as hereinbefore provided. The Department of Insurance shall cover the money so received into the State Treasury as a special fund for the maintenance of said Division of Fire Prevention and the expense incident thereto. Any portion of said special fund remaining unexpended at the end of any fiscal year not needed for the maintenance and expenses of the said Division of Fire Prevention of the Department of Insurance shall be paid into the General Revenue Fund in the State Treasury. The said Department of Insurance shall keep on file in such office an itemized statement of all expenses incurred by such department and shall approve all vouchers issued therefor before the same are submitted to the Auditor of State for payment, which said vouchers shall be allowed and paid in the same manner as other claims against the state. (As amended by act approved July 2, 1935. L. 1935, p. 924.)

Prior amendments: L. 1933, p. 1058; L. 1931, p. 877.

SECTION 13. Every company, firm, co-partnership, association or aggregation of individuals, or body of persons insuring each other, or their agents, representatives, or attorneys in fact, who shall refuse or neglect to comply with the requirements of Section 12 of this act, shall be subject to a

penalty of not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), recoverable in an action of debt at the suit of the Attorney General, Insurance Superintendent or State's Attorney of the county in which the principal office of the firm, association, corporation, individual or co-partnership is situated, and if such violation is by a company, association, co-partnership or aggregation of individuals licensed to do business in the State of Illinois, such license may be revoked by the Insurance Superintendent and penalties recovered under the provisions of this act shall be paid into the county treasury of the county in which such recovery is had.

SECTION 14. The State Fire Marshal shall not engage in any other business, and he, or one of his deputies, shall at all times be at the office of the fire marshal ready for such duties as are required by this act.

SECTION 15. The fire marshal shall submit annually, as early as consistent with full and accurate preparation, and not later than the first day of February in each year, a detailed report of his official actions to the Insurance Superintendent, and there shall be included in the annual report of such Insurance Superintendent such portion of the report of the said fire marshal as shall be deemed desirable by such Insurance Superintendent.

SECTION 16. Chiefs of fire departments and mayors whose salaries exceed one thousand dollars (\$1,000.00) per annum as such chiefs and mayors, shall receive for each report made in accordance with the provisions of section 6 of this Act, the sum of fifty cents. All other persons charged herein with the duty of making reports, or such others as are specially appointed in counties not under township organization, shall receive the sum of seventy-five cents for each such report, and in addition shall receive mileage at the rate of fifteen cents per mile for each mile traveled to such fire.

The fees herein provided for shall be paid out of the special fund created by this Act for the use of the department in the administration of this Act, and appropriated for such purpose, provided, that no fees shall be paid to officers in cities having a population of over 250,000. (As amended by act approved June 24, 1921. L. 1921, p. 835.)

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